

Senate File 533

S-3373

1 Amend the House amendment, S-3372, to Senate File
2 533, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 5, through page 52,
5 line 48, and inserting:

6 <DIVISION I

7 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
8 2011-2012

9 Section 1. BUDGET PROCESS FOR FISCAL YEAR
10 2012-2013.

11 1. For the budget process applicable to the fiscal
12 year beginning July 1, 2012, on or before October 1,
13 2011, in lieu of the information specified in section
14 8.23, subsection 1, unnumbered paragraph 1, and
15 paragraph "a", all departments and establishments of
16 the government shall transmit to the director of the
17 department of management, on blanks to be furnished
18 by the director, estimates of their expenditure
19 requirements, including every proposed expenditure, for
20 the ensuing fiscal year, together with supporting data
21 and explanations as called for by the director of the
22 department of management after consultation with the
23 legislative services agency.

24 2. The estimates of expenditure requirements
25 shall be in a form specified by the director of
26 the department of management, and the expenditure
27 requirements shall include all proposed expenditures
28 and shall be prioritized by program or the results to
29 be achieved. The estimates shall be accompanied by
30 performance measures for evaluating the effectiveness
31 of the programs or results.

32 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
33 Notwithstanding the standing appropriations in the
34 following designated sections for the fiscal year
35 beginning July 1, 2011, and ending June 30, 2012, the
36 amounts appropriated from the general fund of the state
37 pursuant to these sections for the following designated
38 purposes shall not exceed the following amounts:

39 1. For operational support grants and community
40 cultural grants under section 99F.11, subsection 3,
41 paragraph "d", subparagraph (1):

42 \$ 416,702

43 2. For regional tourism marketing under section
44 99F.11, subsection 3, paragraph "d", subparagraph (2):

45 \$ 810,306

46 3. For the center for congenital and inherited
47 disorders central registry under section 144.13A,
48 subsection 4, paragraph "a":

49 \$ 171,121

50 4. For primary and secondary child abuse prevention

1 programs under section 144.13A, subsection 4, paragraph
2 "a":

3 \$ 217,772

4 5. For programs for at-risk children under section
5 279.51:

6 \$ 10,728,891

7 The amount of any reduction in this subsection shall
8 be prorated among the programs specified in section
9 279.51, subsection 1, paragraphs "a", "b", and "c".

10 6. For payment for nonpublic school transportation
11 under section 285.2:

12 \$ 7,060,931

13 If total approved claims for reimbursement for
14 nonpublic school pupil transportation exceed the amount
15 appropriated in accordance with this subsection, the
16 department of education shall prorate the amount of
17 each approved claim.

18 7. For reimbursement for the homestead property tax
19 credit under section 425.1:

20 \$ 86,188,387

21 8. For reimbursement for the family farm and
22 agricultural land tax credits under sections 425A.1 and
23 426.1:

24 \$ 32,395,131

25 9. For the enforcement of chapter 453D relating to
26 tobacco product manufacturers under section 453D.8:

27 \$ 18,416

28 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY
29 2011-2012. In lieu of the appropriation provided in
30 section 257.20, subsection 2, the appropriation for the
31 fiscal year beginning July 1, 2011, and ending June 30,
32 2012, for paying instructional support state aid under
33 section 257.20 for fiscal year 2011-2012 is zero.

34 Sec. 4. Section 256.30, unnumbered paragraph
35 1, Code 2011, is amended by striking the unnumbered
36 paragraph and inserting in lieu thereof the following:

37 For the fiscal year beginning July 1, 2011, and
38 ending June 30, 2012, and for each succeeding fiscal
39 year, there is appropriated from the general fund of
40 the state to the department the sum of one hundred
41 thousand dollars. The department shall distribute the
42 appropriation to the tribal council of the Sac and Fox
43 Indian settlement for expenses of educating American
44 Indian children residing in the Sac and Fox Indian
45 settlement on land held in trust by the secretary of
46 the interior of the United States in excess of federal
47 moneys paid to the tribal council for educating the
48 American Indian children when moneys are appropriated
49 for that purpose. The tribal council shall administer
50 the moneys distributed pursuant to this section and

1 shall submit an annual report and other reports as
2 required by the department to the department on the
3 expenditure of the moneys.

4 Sec. 5. Section 257.35, Code 2011, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
7 and in addition to the reduction applicable pursuant
8 to subsection 2, the state aid for area education
9 agencies and the portion of the combined district cost
10 calculated for these agencies for the fiscal year
11 beginning July 1, 2011, and ending June 30, 2012, shall
12 be reduced by the department of management by twenty
13 million dollars. The reduction for each area education
14 agency shall be prorated based on the reduction that
15 the agency received in the fiscal year beginning July
16 1, 2003.

17 DIVISION II

18 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
19 2011-2012

20 Sec. 6. APPOINTED STATE OFFICERS.

21 1. The governor shall establish a salary for
22 appointed nonelected persons in the executive branch
23 of state government holding a position enumerated in
24 and within the salary ranges provided in 2008 Iowa
25 Acts, chapter 1191, section 14, by considering, among
26 other items, the experience of the individual in
27 the position, changes in the duties of the position,
28 the incumbent's performance of assigned duties, and
29 subordinates' salaries. However, the attorney general
30 shall establish the salary for the consumer advocate,
31 the chief justice of the supreme court shall establish
32 the salary for the state court administrator, the
33 ethics and campaign disclosure board shall establish
34 the salary of the executive director, and the Iowa
35 public broadcasting board shall establish the salary of
36 the administrator of the public broadcasting division
37 of the department of education, each within the salary
38 range provided in 2008 Iowa Acts, chapter 1191, section
39 14.

40 2. The governor, in establishing salaries as
41 provided in this section, shall take into consideration
42 other employee benefits which may be provided for an
43 individual including but not limited to housing.

44 3. A person whose salary is established pursuant
45 to this section and who is a full-time, year-round
46 employee of the state shall not receive any other
47 remuneration from the state or from any other source
48 for the performance of that person's duties unless
49 the additional remuneration is first approved by the
50 governor or authorized by law. However, this provision

1 does not exclude the reimbursement for necessary travel
2 and expenses incurred in the performance of duties or
3 fringe benefits normally provided to employees of the
4 state.

5 Sec. 7. COLLECTIVE BARGAINING AGREEMENTS

6 FUNDED. The various state departments, boards,
7 commissions, councils, and agencies, including the
8 state board of regents, for the fiscal year beginning
9 July 1, 2011, and ending June 30, 2012, shall provide
10 from available sources pay adjustments, expense
11 reimbursements, and related benefits to fully fund the
12 following:

13 1. The collective bargaining agreement negotiated
14 pursuant to chapter 20 for employees in the blue collar
15 bargaining unit.

16 2. The collective bargaining agreement negotiated
17 pursuant to chapter 20 for employees in the public
18 safety bargaining unit.

19 3. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the security
21 bargaining unit.

22 4. The collective bargaining agreement negotiated
23 pursuant to chapter 20 for employees in the technical
24 bargaining unit.

25 5. The collective bargaining agreement negotiated
26 pursuant to chapter 20 for employees in the
27 professional fiscal and staff bargaining unit.

28 6. The collective bargaining agreement negotiated
29 pursuant to chapter 20 for employees in the clerical
30 bargaining unit.

31 7. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the
33 professional social services bargaining unit.

34 8. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the
36 community-based corrections bargaining unit.

37 9. The collective bargaining agreements negotiated
38 pursuant to chapter 20 for employees in the judicial
39 branch of government bargaining units.

40 10. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the patient
42 care bargaining unit.

43 11. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the science
45 bargaining unit.

46 12. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the university
48 of northern Iowa faculty bargaining unit.

49 13. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the state

1 university of Iowa graduate student bargaining unit.
2 14. The collective bargaining agreement negotiated
3 pursuant to chapter 20 for employees in the state
4 university of Iowa hospital and clinics tertiary health
5 care bargaining unit.

6 15. The annual pay adjustments, related benefits,
7 and expense reimbursements referred to in the sections
8 of this division of this Act addressing state board of
9 regents employees who are not covered by a collective
10 bargaining agreement.

11 Sec. 8. STATE EMPLOYEES — STATE BOARD OF
12 REGENTS. For the fiscal year beginning July 1, 2011,
13 and ending June 30, 2012, funds shall be provided from
14 available sources of the state board of regents for
15 funding of collective bargaining agreements for state
16 board of regents employees covered by such agreements
17 and for the following state board of regents employees
18 not covered by a collective bargaining agreement:

19 1. Regents merit system employees and merit
20 supervisory employees.

21 2. Faculty members and professional and scientific
22 employees.

23 Sec. 9. BONUS PAY. For the fiscal year beginning
24 July 1, 2011, and ending June 30, 2012, employees of
25 the executive branch, judicial branch, and legislative
26 branch shall not receive bonus pay unless otherwise
27 authorized by law, required pursuant to a contract
28 of employment entered into before July 1, 2011,
29 or required pursuant to a collective bargaining
30 agreement. This section does not apply to employees
31 of the state board of regents. For purposes of this
32 section, "bonus pay" means any additional remuneration
33 provided an employee in the form of a bonus, including
34 but not limited to a retention bonus, recruitment
35 bonus, exceptional job performance pay, extraordinary
36 job performance pay, exceptional performance pay,
37 extraordinary duty pay, or extraordinary or special
38 duty pay, and any extra benefit not otherwise provided
39 to other similarly situated employees.

40 Sec. 10. STATE TROOPER MEAL ALLOWANCE. For the
41 fiscal year beginning July 1, 2011, the sworn peace
42 officers in the department of public safety who are not
43 covered by a collective bargaining agreement negotiated
44 pursuant to chapter 20 shall receive the same per
45 diem meal allowance as the sworn peace officers in
46 the department of public safety who are covered by a
47 collective bargaining agreement negotiated pursuant to
48 chapter 20.

49 Sec. 11. SALARY MODEL ADMINISTRATOR. The salary
50 model administrator shall work in conjunction with

1 the legislative services agency to maintain the
2 state's salary model used for analyzing, comparing,
3 and projecting state employee salary and benefit
4 information, including information relating to
5 employees of the state board of regents. The
6 department of revenue, the department of administrative
7 services, the five institutions under the jurisdiction
8 of the state board of regents, the judicial district
9 departments of correctional services, and the state
10 department of transportation shall provide salary data
11 to the department of management and the legislative
12 services agency to operate the state's salary
13 model. The format and frequency of provision of the
14 salary data shall be determined by the department of
15 management and the legislative services agency. The
16 information shall be used in collective bargaining
17 processes under chapter 20 and in calculating the
18 funding needs contained within the annual salary
19 adjustment legislation. A state employee organization
20 as defined in section 20.3, subsection 4, may request
21 information produced by the model, but the information
22 provided shall not contain information attributable to
23 individual employees.

24 DIVISION III

25 PERFORMANCE OF DUTY

26 Sec. 12. Section 7D.10, Code 2011, is amended to
27 read as follows:

28 7D.10 Court costs.

29 If sufficient funds for court costs have not been
30 appropriated to a state department, or if sufficient
31 funds are not otherwise available for such purposes
32 within the budget of a state department, upon
33 authorization by the executive council may pay, out of
34 any money in the state treasury there is appropriated
35 from moneys in the general fund of the state not
36 otherwise appropriated, an amount sufficient to pay
37 expenses incurred, or costs taxed to the state, in
38 any proceeding brought by or against any of the state
39 departments or in which the state is a party or is
40 interested. This section shall not be construed to
41 authorize the payment of travel or other personal
42 expenses of state officers or employees.

43 Sec. 13. Section 7D.10A, as amended by 2011 Iowa
44 Acts, Senate File 478, section 11, as enacted, is
45 amended to read as follows:

46 7D.10A Allocation Payment to livestock remediation 47 fund.

48 If moneys are not sufficient to support the
49 livestock remediation fund as provided in chapter 459,
50 subchapter V, the executive council may ~~allocate from~~

1 ~~moneys in the general fund of the state, which are~~
2 ~~not otherwise obligated or encumbered, authorize as~~
3 ~~an expense paid from the appropriations addressed in~~
4 ~~section 7D.29 the payment of an amount to the livestock~~
5 ~~remediation fund as provided under section 459.501,~~
6 ~~subsection 5. However, not more than a total of~~
7 ~~one million dollars shall be allocated shall be paid~~
8 ~~pursuant to this section to the livestock remediation~~
9 ~~fund at any time.~~

10 Sec. 14. Section 7D.29, Code 2011, is amended to
11 read as follows:

12 **7D.29 Performance of duty — expense.**

13 1. ~~The executive council shall not employ others,~~
14 ~~or ~~incur~~ authorize any expense, for the purpose of~~
15 ~~performing any duty imposed upon the council when~~
16 ~~the duty may, without neglect of their usual duties,~~
17 ~~be performed by the members, or by their regular~~
18 ~~employees, but, subject to this limitation, the council~~
19 ~~may ~~incur~~ authorize the necessary expense to perform~~
20 ~~or cause to be performed any legal duty imposed on~~
21 ~~the council, and pay the same out of any money in the~~
22 ~~state treasury not otherwise appropriated. The expenses~~
23 ~~authorized by the executive council in accordance~~
24 ~~with this section and the expenses authorized by the~~
25 ~~executive council in accordance with other statutory~~
26 ~~provisions referencing the appropriations addressed in~~
27 ~~this section shall be paid as follows:~~

28 a. From the appropriation made from the Iowa
29 economic emergency fund in section 8.55 for purposes of
30 paying such expenses.

31 b. To the extent the appropriation from the
32 Iowa economic emergency fund described in paragraph
33 "a" is insufficient to pay such expenses, there is
34 appropriated from moneys in the general fund of the
35 state not otherwise appropriated the amount necessary
36 to fund that deficiency.>

37 2. At least two weeks prior to the executive
38 council's approval of a payment authorization under
39 this section, the secretary of the executive council
40 shall notify the legislative services agency that
41 the authorization request will be considered by
42 the executive council and shall provide background
43 information justifying the request.

44 3. The executive council shall receive requests
45 from the Iowa department of public health relative to
46 the purchase, storing, and distribution of vaccines and
47 medication for prevention, prophylaxis, or treatment.
48 Upon review and after compliance with subsection 2,
49 the executive council may approve the request and may
50 ~~incur~~ authorize payment of the necessary expense and

1 ~~pay the same out of any money in the state treasury not~~
2 ~~otherwise appropriated. The expense authorized by the~~
3 ~~executive council under this subsection shall be paid~~
4 ~~from the appropriations referred to in subsection 1.~~

5 Sec. 15. Section 7D.30, Code 2011, is amended to
6 read as follows:

7 **7D.30 Necessary record.**

8 Before ~~incurring~~ authorizing any expense authorized
9 ~~by~~ in accordance with section 7D.29, the executive
10 council shall, in each case, by resolution, entered
11 upon its records, set forth the necessity for incurring
12 authorizing such expense, the special fitness of the
13 one employed to perform such work, the definite rate of
14 compensation or salary allowed, and the total amount of
15 money that may be expended. Compensation or salary for
16 personal services in such cases must be determined by
17 unanimous vote of all members of the council.

18 Sec. 16. Section 8.55, subsection 3, paragraph a,
19 Code 2011, is amended to read as follows:

20 a. Except as provided in paragraphs "b", and "c",
21 and "0d", the moneys in the Iowa economic emergency
22 fund shall only be used pursuant to an appropriation
23 made by the general assembly. An appropriation
24 shall only be made for the fiscal year in which the
25 appropriation is made. The moneys shall only be
26 appropriated by the general assembly for emergency
27 expenditures.

28 Sec. 17. Section 8.55, subsection 3, Code 2011, is
29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. 0d. There is appropriated from the
31 Iowa economic emergency fund to the executive council
32 an amount sufficient to pay the expenses authorized by
33 the executive council, as addressed in section 7D.29.

34 Sec. 18. Section 8A.321, subsection 4, Code 2011,
35 is amended to read as follows:

36 4. Contract, with the approval of the executive
37 council, for the repair, remodeling, or, if the
38 condition warrants, demolition of all buildings and
39 grounds of the state at the seat of government, at
40 the state laboratories facility in Ankeny, and the
41 institutions of the department of human services and
42 the department of corrections for which no specific
43 appropriation has been made, if the cost of repair,
44 remodeling, or demolition will not exceed one hundred
45 thousand dollars when completed. The cost of repair
46 projects for which no specific appropriation has
47 been made shall be paid ~~from the fund~~ as an expense
48 authorized by the executive council as provided in
49 section 7D.29.

50 Sec. 19. Section 8A.321, subsection 6, paragraphs a

1 and b, Code 2011, are amended to read as follows:

2 a. Lease all buildings and office space necessary
3 to carry out the provisions of this subchapter or
4 necessary for the proper functioning of any state
5 agency at the seat of government. For state agencies
6 at the seat of government, the director may lease
7 buildings and office space in Polk county or in a
8 county contiguous to Polk county. If no specific
9 appropriation has been made, the proposed lease shall
10 be submitted to the executive council for ~~approval~~
11 authorization and if authorized lease expense shall
12 be paid from the appropriations addressed in section
13 7D.29. The cost of any lease for which no specific
14 appropriation has been made shall be paid from the fund
15 provided in section 7D.29.

16 b. When the general assembly is not in session, the
17 director may request ~~moneys~~ an expense authorization
18 from the executive council for moving state agencies
19 located at the seat of government from one location
20 to another. The request may include moving costs,
21 telecommunications costs, repair costs, or any other
22 costs relating to the move. The executive council may
23 ~~approve and shall pay the costs from funds~~ authorize
24 the expenses provided and may authorize the expenses to
25 be paid from the appropriations addressed in section
26 7D.29 if it determines the agency or department has
27 no available does not have funds available for these
28 expenses.

29 Sec. 20. Section 11.32, as amended by 2011 Iowa
30 Acts, House File 536, section 26, as enacted, is
31 amended to read as follows:

32 **11.32 Certified accountants employed.**

33 Nothing in this chapter shall prohibit the auditor
34 of state, with the prior written permission of the
35 state executive council, from employing certified
36 public accountants for specific assignments. The
37 auditor of state may employ such accountants for any
38 assignment ~~now~~ expressly reserved to the auditor of
39 state. Payments, after approval by the executive
40 council, ~~will~~ shall be made to the accountants so
41 employed from funds from which the auditor of state
42 would have been paid had the auditor of state performed
43 the assignment, or if ~~no~~ such specific funds are
44 ~~indicated~~ not available, then ~~payment will be made~~
45 ~~from the funds of~~ authorization of the expense by the
46 executive council shall be requested, and if authorized
47 shall be paid from the appropriations addressed in
48 section 7D.29.

49 Sec. 21. Section 13.3, Code 2011, is amended to
50 read as follows:

1 **13.3 Disqualification — substitute.**

2 1. If, for any reason, the attorney general be
3 is disqualified from appearing in any action or
4 proceeding, the executive council shall ~~appoint some~~
5 authorize the appointment of a suitable person for that
6 purpose and defray the. There is appropriated from
7 moneys in the general fund not otherwise appropriated
8 an amount necessary to pay the reasonable expense
9 thereof from any unappropriated funds in the state
10 treasury for the person appointed. The department
11 involved in the action or proceeding shall be requested
12 to recommend a suitable person to represent the
13 department and when the executive council concurs in
14 the recommendation, the person recommended shall be
15 appointed.

16 2. If the governor or a department is represented
17 by an attorney other than the attorney general in a
18 court proceeding as provided in this section, at the
19 conclusion of the court proceedings, the court shall
20 review the fees charged to the state to determine
21 if the fees are fair and reasonable. The executive
22 council shall not ~~reimburse~~ authorize reimbursement
23 of attorney fees in excess of those determined by the
24 court to be fair and reasonable.

25 Sec. 22. Section 13.7, Code 2011, is amended to
26 read as follows:

27 **13.7 Special counsel.**

28 Compensation shall not be allowed to any person for
29 services as an attorney or counselor to an executive
30 department of the state government, or the head ~~thereof~~
31 of an executive department of state government, or to
32 a state board or commission. However, the executive
33 council may employ authorize employment of legal
34 assistance, at a reasonable compensation, in a pending
35 action or proceeding to protect the interests of the
36 state, but only upon a sufficient showing, in writing,
37 made by the attorney general, that the department of
38 justice cannot for reasons stated by the attorney
39 general perform the service, which. The reasons
40 and action of the council shall be entered upon its
41 records. When If the attorney general determines that
42 the department of justice cannot perform legal service
43 in an action or proceeding, the executive council
44 shall request the department involved in the action or
45 proceeding to recommend legal counsel to represent the
46 department. If the attorney general concurs with the
47 department that the person recommended is qualified
48 and suitable to represent the department, the person
49 recommended shall be employed. If the attorney general
50 does not concur in the recommendation, the department

1 shall submit a new recommendation. This section does
2 not affect the general counsel for the utilities board
3 of the department of commerce, the legal counsel of the
4 department of workforce development, or the general
5 counsel for the property assessment appeal board.

6 Sec. 23. Section 29A.27, unnumbered paragraph 8,
7 Code 2011, is amended to read as follows:

8 All payments ~~herein~~ provided for under this section
9 shall be paid on the approval of the adjutant general
10 from the contingent fund of the executive council
11 created in section 29C.20.

12 Sec. 24. Section 29C.8, subsection 3, paragraph
13 f, subparagraph (3), Code 2011, is amended to read as
14 follows:

15 (3) Upon notification of a compensable loss to a
16 member of a homeland security and emergency management
17 response team, the department of administrative
18 services shall process the claim and seek funding
19 authorization from the executive council for to pay
20 as an expense paid from the appropriations addressed
21 in section 7D.29 those costs associated with covered
22 benefits.

23 Sec. 25. Section 29C.20, subsection 1, paragraph a,
24 unnumbered paragraph 1, Code 2011, is amended to read
25 as follows:

26 A contingent fund is created in the state treasury
27 for the use of the executive council ~~which~~. Funding
28 for the contingent fund, if authorized by the executive
29 council, shall be paid from the appropriations
30 addressed in section 7D.29. Moneys in the contingent
31 fund may be expended for the following purposes:

32 Sec. 26. Section 96.13, subsection 3, paragraph c,
33 Code 2011, is amended to read as follows:

34 c. The department may appear before the executive
35 council and request ~~funds~~ authorization of moneys to
36 meet unanticipated emergencies as an expense from the
37 appropriations addressed in section 7D.29.

38 Sec. 27. Section 135.143, subsection 5, Code 2011,
39 is amended to read as follows:

40 5. Upon notification of a compensable loss, the
41 department of administrative services shall seek
42 funding authorization from the executive council for
43 to pay as an expense from the appropriations addressed
44 in section 7D.29 those costs associated with covered
45 workers' compensation benefits.

46 Sec. 28. Section 135.144, subsection 11, Code 2011,
47 is amended to read as follows:

48 11. If a public health disaster or other public
49 health emergency situation exists which poses an
50 imminent threat to the public health, safety, and

1 welfare, the department, in conjunction with the
2 governor, may provide financial assistance, from funds
3 appropriated to the department that are not otherwise
4 encumbered, to political subdivisions as needed to
5 alleviate the disaster or the emergency. If the
6 department does not have sufficient unencumbered funds,
7 the governor may request ~~that the executive council,~~
8 ~~pursuant to the authority of section 7D.29, commit~~
9 ~~sufficient funds,~~ to authorize the payment of up to one
10 million dollars, that are not otherwise encumbered from
11 the general fund, as needed and available, for as an
12 expense from the appropriations addressed in section
13 7D.29 to alleviate the disaster or the emergency. If
14 additional financial assistance is required in excess
15 of one million dollars, approval by the legislative
16 council is also required.

17 Sec. 29. Section 163.3A, subsection 4, paragraph b,
18 Code 2011, is amended to read as follows:

19 b. The department shall provide and update a list
20 of the registered members of each emergency response
21 team, including the members' names and identifying
22 information, to the department of administrative
23 services. Upon notification of a compensable loss
24 suffered by a registered member, the department
25 of administrative services shall seek ~~funding~~
26 authorization from the executive council for to pay as
27 an expense from the appropriations addressed in section
28 7D.29 those costs associated with covered benefits.

29 Sec. 30. Section 163.10, Code 2011, is amended to
30 read as follows:

31 **163.10 Quarantining or destroying animals.**

32 The department may quarantine or destroy any
33 animal exposed to or afflicted with an infectious or
34 contagious disease. However, cattle exposed to or
35 infected with tuberculosis shall not be destroyed
36 without the owner's consent, unless there are
37 sufficient moneys to reimburse the owner for the
38 cattle, which may be paid ~~from the appropriation as~~
39 an expense authorized as provided in section 163.15,
40 from moneys in the brucellosis and tuberculosis
41 eradication fund created in section 165.18, or from
42 moneys made available by the United States department
43 of agriculture.

44 Sec. 31. Section 163.15, subsection 2, paragraph
45 a, subparagraph (3), Code 2011, is amended to read as
46 follows:

47 (3) A claim for an indemnity by the owner and a
48 claim for compensation and expenses by the appraisers
49 shall be filed with the department and submitted by the
50 secretary of agriculture to the executive council for

1 ~~its approval or disapproval authorization of payment~~
2 ~~of the claim as an expense from the appropriations~~
3 ~~addressed in section 7D.29.~~

4 Sec. 32. Section 163.15, subsection 2, paragraph
5 a, subparagraph (4), Code 2011, is amended by striking
6 the subparagraph.

7 Sec. 33. Section 163.15, subsection 2, paragraph b,
8 unnumbered paragraph 1, Code 2011, is amended to read
9 as follows:

10 A formula established by rule adopted by the
11 department that is effective as determined by
12 the department in accordance with chapter 17A and
13 applicable upon approval of the ~~plan~~ program of
14 eradication ~~approved~~ by the executive council. The
15 formula shall be applicable to indemnify owners if the
16 executive council, upon recommendation by the secretary
17 of agriculture, determines that an animal population
18 in this state is threatened with infection from an
19 exceptionally contagious disease.

20 Sec. 34. Section 163.15, subsection 2, paragraph
21 b, subparagraph (4), Code 2011, is amended to read as
22 follows:

23 (4) ~~Upon approval by the~~ The executive council,
24 ~~there is appropriated to the department from any~~
25 ~~moneys in the general fund of the state not otherwise~~
26 ~~appropriated moneys sufficient to carry out the~~
27 may authorize payment under the provisions of this
28 paragraph "b" as an expense from the appropriations
29 addressed in section 7D.29.

30 Sec. 35. Section 307.45, subsection 3, Code 2011,
31 is amended to read as follows:

32 3. Assessments against property owned by the state
33 and not under the jurisdiction and control of the
34 department's administrator of highways shall be made in
35 the same manner as those made against private property
36 and payment shall be ~~made~~ subject to authorization by
37 the executive council from any funds of the state not
38 otherwise appropriated. There is appropriated from
39 moneys in the general fund not otherwise appropriated
40 an amount necessary to pay the expense authorized by
41 the executive council.

42 Sec. 36. Section 384.56, subsection 1, Code 2011,
43 is amended to read as follows:

44 1. Cities may assess the cost of a public
45 improvement which extends through, abuts upon, or is
46 adjacent to lands owned by the state, and ~~the executive~~
47 ~~council shall pay~~ payment for the assessable portion
48 of the cost of the improvement through or along the
49 lands as provided shall be subject to authorization by
50 the executive council. ~~The executive council shall~~

1 ~~pay assessments as and payable in the manner provided~~
2 ~~in section 307.45 for property owned by the state and~~
3 ~~not under the jurisdiction and control of the state~~
4 ~~department of transportation.~~

5 Sec. 37. Section 459.501, subsection 5, as amended
6 by 2011 Iowa Acts, Senate File 478, section 1, as
7 enacted, is amended to read as follows:

8 5. The following shall apply to moneys in the fund:

9 a. (1) ~~The executive council may allocate moneys~~
10 ~~from the general fund of the state as~~ authorize payment
11 of moneys as an expense paid from the appropriations
12 addressed in section 7D.29 and in the manner provided
13 in section 7D.10A in an amount necessary to support the
14 fund, including the following:

15 (a) The payment of claims as provided in section
16 459.505.

17 (b) The allocation of moneys to the department
18 of agriculture and land stewardship for the payment
19 of expenses incurred by the department of agriculture
20 and land stewardship associated with providing for the
21 sustenance and disposition of livestock pursuant to
22 chapter 717.

23 (2) Notwithstanding subparagraph (1), the
24 ~~allocation of moneys from the general fund of the state~~
25 executive council's authorization for payment shall be
26 made provided only if the amount of moneys in the fund,
27 which are not obligated or encumbered, and not counting
28 the department's estimate of the cost to the fund for
29 pending or unsettled claims, the amount to be allocated
30 to the department of agriculture and land stewardship,
31 and any amount required to be credited to the general
32 fund of the state under this subsection, is less than
33 one million dollars.

34 b. The department of natural resources shall
35 credit an amount to the ~~general fund of the state~~
36 from which the expense authorized by the executive
37 council as provided in paragraph "a" was appropriated
38 which is equal to an amount allocated to support the
39 livestock remediation fund by the executive council
40 under paragraph "a". ~~The~~ However, the department shall
41 only be required to credit the moneys to the general
42 such fund of the state if the moneys in the livestock
43 remediation fund which are not obligated or encumbered,
44 and not counting the department's estimate of the
45 cost to the livestock remediation fund for pending or
46 unsettled claims, the amount to be allocated to the
47 department of agriculture and land stewardship, and
48 any amount required to be transferred to the general
49 fund under from which appropriated as described in this
50 paragraph, are in excess of two million five hundred

1 thousand dollars. The department is not required to
2 credit the total amount to the ~~general fund of the~~
3 state from which appropriated as described in this
4 paragraph during any one fiscal year.

5 Sec. 38. Section 468.43, unnumbered paragraph 4,
6 Code 2011, is amended to read as follows:

7 The assessments against lands under the jurisdiction
8 of the department of natural resources shall be paid as
9 an expense from the appropriations addressed in section
10 7D.29, if authorized by the executive council upon
11 certification of the amount by the county treasurer.
12 ~~There is appropriated from any funds in the general~~
13 ~~fund of the state not otherwise appropriated amounts~~
14 ~~sufficient to pay the certified assessments.~~

15 Sec. 39. Section 568.16, Code 2011, is amended to
16 read as follows:

17 **568.16 Purchase money refunded.**

18 If the grantee of the state, or the grantee's
19 successors, administrators, or assigns, shall be
20 deprived of the land conveyed by the state under this
21 chapter by the final decree of a court of record for
22 the reason that the conveyance by the state ~~passed~~
23 ~~no title whatever to the land therein~~ did not pass
24 title to the land described, because title thereto to
25 the land had previously for any reason been vested
26 in others, then the money so paid by the state for
27 the said land shall be refunded by the state to the
28 person or persons entitled thereto to the refund,
29 provided the said grantee, or the grantee's successors,
30 administrators, or assigns, shall file a certified
31 copy of the transcript of the said final decree with
32 the executive council within one year from the date
33 of the issuance of such decree, and shall also file
34 satisfactory proof with the executive council that the
35 action over the title to the land was commenced within
36 ten years from the date of the issuance of patent or
37 deed by the state. The amount of money to be refunded
38 under the provisions of this section shall be certified
39 authorized and paid by the executive council to the
40 ~~director of the department of administrative services,~~
41 ~~who shall draw a warrant therefor, and the same shall~~
42 ~~be paid out of the general fund as an expense from the~~
43 appropriations addressed in section 7D.29.

44 Sec. 40. Section 602.10133, Code 2011, is amended
45 to read as follows:

46 **602.10133 Costs and expenses.**

47 The court costs incident to such proceedings,
48 and the reasonable expense of ~~said~~ the judges in
49 attending ~~said~~ the hearing after being approved by
50 the supreme court shall be paid as ~~court costs~~ an

1 expense authorized by the executive council from the
2 appropriations addressed in section 7D.29.

3 Sec. 41. Section 663.44, Code 2011, is amended to
4 read as follows:

5 **663.44 Costs.**

6 1. If the plaintiff is discharged, the costs shall
7 be assessed to the defendant, unless the defendant
8 is an officer holding the plaintiff in custody under
9 a commitment, or under other legal process, in which
10 case the costs shall be assessed to the county. If the
11 plaintiff's application is refused, the costs shall be
12 assessed against the plaintiff, and, in the discretion
13 of the court, against the person who filed the petition
14 in the plaintiff's behalf.

15 2. ~~However, where~~ Notwithstanding subsection 1, if
16 the plaintiff is confined in any state institution, and
17 is discharged in habeas corpus proceedings, or where if
18 the habeas corpus proceedings fail, and costs and fees
19 cannot be collected from the person liable to pay ~~the~~
20 same costs and fees, such the costs and fees shall be
21 paid by the county in which such state institution is
22 located. The facts of such payment and the proceedings
23 on which it is based, with a statement of the amount
24 of fees or costs incurred, with approval in writing
25 by the presiding judge appended to such the statement
26 or endorsed thereon on the statement, shall then be
27 certified by the clerk of the district court under the
28 seal of office to the state executive council. The
29 executive council shall then review the proceedings and
30 authorize reimbursement for all such fees and costs
31 or such part thereof of the fees and costs as the
32 executive council shall find finds justified, and shall
33 notify the director of the department of administrative
34 services to draw a warrant to such county treasurer
35 on the state general fund for the amount authorized.
36 There is appropriated from moneys in the general fund
37 not otherwise appropriated an amount necessary to pay
38 the reimbursement authorized by the executive council.
39 The costs and fees referred to above shall include
40 any award of fees made to a court appointed attorney
41 representing an indigent party bringing the habeas
42 corpus action.

43 DIVISION IV

44 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
45 2012-2013

46 Sec. 42. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.

47 1. For the budget process applicable to the fiscal
48 year beginning July 1, 2013, on or before October 1,
49 2012, in lieu of the information specified in section
50 8.23, subsection 1, unnumbered paragraph 1, and

1 paragraph "a", all departments and establishments of
2 the government shall transmit to the director of the
3 department of management, on blanks to be furnished
4 by the director, estimates of their expenditure
5 requirements, including every proposed expenditure, for
6 the ensuing fiscal year, together with supporting data
7 and explanations as called for by the director of the
8 department of management after consultation with the
9 legislative services agency.

10 2. The estimates of expenditure requirements
11 shall be in a form specified by the director of
12 the department of management, and the expenditure
13 requirements shall include all proposed expenditures
14 and shall be prioritized by program or the results to
15 be achieved. The estimates shall be accompanied by
16 performance measures for evaluating the effectiveness
17 of the programs or results.

18 Sec. 43. LIMITATION OF STANDING APPROPRIATIONS.
19 Notwithstanding the standing appropriations in the
20 following designated sections for the fiscal year
21 beginning July 1, 2012, and ending June 30, 2013, the
22 amounts appropriated from the general fund of the state
23 pursuant to these sections for the following designated
24 purposes shall not exceed the following amounts:

25 1. For operational support grants and community
26 cultural grants under section 99F.11, subsection 3,
27 paragraph "d", subparagraph (1):

28 \$ 208,351

29 2. For regional tourism marketing under section
30 99F.11, subsection 3, paragraph "d", subparagraph (2):

31 \$ 405,153

32 3. For the center for congenital and inherited
33 disorders central registry under section 144.13A,
34 subsection 4, paragraph "a":

35 \$ 85,560

36 4. For primary and secondary child abuse prevention
37 programs under section 144.13A, subsection 4, paragraph
38 "a":

39 \$ 108,886

40 5. For programs for at-risk children under section
41 279.51:

42 \$ 10,728,891

43 The amount of any reduction in this subsection shall
44 be prorated among the programs specified in section
45 279.51, subsection 1, paragraphs "a", "b", and "c".

46 6. For payment for nonpublic school transportation
47 under section 285.2:

48 \$ 3,530,465

49 If total approved claims for reimbursement for
50 nonpublic school pupil transportation exceed the amount

1 appropriated in accordance with this subsection, the
2 department of education shall prorate the amount of
3 each approved claim.

4 7. For reimbursement for the homestead property tax
5 credit under section 425.1:
6 \$ 86,188,387

7 8. For reimbursement for the family farm and
8 agricultural land tax credits under sections 425A.1 and
9 426.1:
10 \$ 32,395,131

11 9. For the enforcement of chapter 453D relating to
12 tobacco product manufacturers under section 453D.8:
13 \$ 9,208

14 Sec. 44. INSTRUCTIONAL SUPPORT STATE AID — FY
15 2012-2013. In lieu of the appropriation provided in
16 section 257.20, subsection 2, the appropriation for the
17 fiscal year beginning July 1, 2012, and ending June 30,
18 2013, for paying instructional support state aid under
19 section 257.20 for fiscal year 2012-2013 is zero.

20 DIVISION V

21 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
22 2012-2013

23 Sec. 45. COLLECTIVE BARGAINING AGREEMENTS
24 FUNDED. The various state departments, boards,
25 commissions, councils, and agencies, including the
26 state board of regents, for the fiscal year beginning
27 July 1, 2012, and ending June 30, 2013, shall provide
28 from available sources pay adjustments, expense
29 reimbursements, and related benefits to fully fund the
30 following:

31 1. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the blue collar
33 bargaining unit.

34 2. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the public
36 safety bargaining unit.

37 3. The collective bargaining agreement negotiated
38 pursuant to chapter 20 for employees in the security
39 bargaining unit.

40 4. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the technical
42 bargaining unit.

43 5. The collective bargaining agreement negotiated
44 pursuant to chapter 20 for employees in the
45 professional fiscal and staff bargaining unit.

46 6. The collective bargaining agreement negotiated
47 pursuant to chapter 20 for employees in the clerical
48 bargaining unit.

49 7. The collective bargaining agreement negotiated
50 pursuant to chapter 20 for employees in the

1 professional social services bargaining unit.

2 8. The collective bargaining agreement negotiated
3 pursuant to chapter 20 for employees in the
4 community-based corrections bargaining unit.

5 9. The collective bargaining agreements negotiated
6 pursuant to chapter 20 for employees in the judicial
7 branch of government bargaining units.

8 10. The collective bargaining agreement negotiated
9 pursuant to chapter 20 for employees in the patient
10 care bargaining unit.

11 11. The collective bargaining agreement negotiated
12 pursuant to chapter 20 for employees in the science
13 bargaining unit.

14 12. The collective bargaining agreement negotiated
15 pursuant to chapter 20 for employees in the university
16 of northern Iowa faculty bargaining unit.

17 13. The collective bargaining agreement negotiated
18 pursuant to chapter 20 for employees in the state
19 university of Iowa graduate student bargaining unit.

20 14. The collective bargaining agreement negotiated
21 pursuant to chapter 20 for employees in the state
22 university of Iowa hospital and clinics tertiary health
23 care bargaining unit.

24 15. The annual pay adjustments, related benefits,
25 and expense reimbursements referred to in the sections
26 of this division of this Act addressing state board of
27 regents employees who are not covered by a collective
28 bargaining agreement.

29 Sec. 46. STATE EMPLOYEES — STATE BOARD OF
30 REGENTS. For the fiscal year beginning July 1, 2012,
31 and ending June 30, 2013, funds shall be provided from
32 available sources of the state board of regents for
33 funding of collective bargaining agreements for state
34 board of regents employees covered by such agreements
35 and for the following state board of regents employees
36 not covered by a collective bargaining agreement:

37 1. Regents merit system employees and merit
38 supervisory employees.

39 2. Faculty members and professional and scientific
40 employees.

41 Sec. 47. BONUS PAY. For the fiscal year beginning
42 July 1, 2012, and ending June 30, 2013, employees of
43 the executive branch, judicial branch, and legislative
44 branch shall not receive bonus pay unless otherwise
45 authorized by law, required pursuant to a contract
46 of employment entered into before July 1, 2012,
47 or required pursuant to a collective bargaining
48 agreement. This section does not apply to employees
49 of the state board of regents. For purposes of this
50 section, "bonus pay" means any additional remuneration

1 provided an employee in the form of a bonus, including
2 but not limited to a retention bonus, recruitment
3 bonus, exceptional job performance pay, extraordinary
4 job performance pay, exceptional performance pay,
5 extraordinary duty pay, or extraordinary or special
6 duty pay, and any extra benefit not otherwise provided
7 to other similarly situated employees.

8 Sec. 48. STATE TROOPER MEAL ALLOWANCE. For the
9 fiscal year beginning July 1, 2012, the sworn peace
10 officers in the department of public safety who are not
11 covered by a collective bargaining agreement negotiated
12 pursuant to chapter 20 shall receive the same per
13 diem meal allowance as the sworn peace officers in
14 the department of public safety who are covered by a
15 collective bargaining agreement negotiated pursuant to
16 chapter 20.

17 Sec. 49. SALARY MODEL ADMINISTRATOR. The salary
18 model administrator shall work in conjunction with
19 the legislative services agency to maintain the
20 state's salary model used for analyzing, comparing,
21 and projecting state employee salary and benefit
22 information, including information relating to
23 employees of the state board of regents. The
24 department of revenue, the department of administrative
25 services, the five institutions under the jurisdiction
26 of the state board of regents, the judicial district
27 departments of correctional services, and the state
28 department of transportation shall provide salary data
29 to the department of management and the legislative
30 services agency to operate the state's salary
31 model. The format and frequency of provision of the
32 salary data shall be determined by the department of
33 management and the legislative services agency. The
34 information shall be used in collective bargaining
35 processes under chapter 20 and in calculating the
36 funding needs contained within the annual salary
37 adjustment legislation. A state employee organization
38 as defined in section 20.3, subsection 4, may request
39 information produced by the model, but the information
40 provided shall not contain information attributable to
41 individual employees.

42 DIVISION VI

43 CORRECTIVE PROVISIONS

44 Sec. 50. Section 8.6, subsection 9A, as enacted by
45 2011 Iowa Acts, House File 45, section 39, is amended
46 to read as follows:

47 9A. *Budget and tax rate databases.* To develop
48 and make available to the public a searchable budget
49 database and internet site as required under chapter
50 8G, ~~division~~ subchapter I, and to develop and make

1 available to the public a searchable tax rate database
2 and internet site as required under chapter 8G,
3 ~~division~~ subchapter II.

4 Sec. 51. Section 8.57E, subsection 3, paragraph a,
5 as enacted by 2011 Iowa Acts, Senate File 209, section
6 30, is amended to read as follows:

7 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
8 may be used for cash flow purposes during a fiscal year
9 provided that any moneys so allocated are returned to
10 the fund by the end of that fiscal year.

11 Sec. 52. Section 8G.13, as enacted by 2011 Iowa
12 Acts, House File 45, section 50, is amended to read as
13 follows:

14 **8G.13 Updating database.**

15 To facilitate the department of management's efforts
16 in creating and maintaining a searchable database of
17 the taxes identified in section 8G.12, subsection 3 1,
18 for all taxing jurisdictions in the state, each taxing
19 jurisdiction may annually be required to report its tax
20 rates to the department of management or the department
21 of revenue and shall report any changes to its tax
22 rates within thirty days of the change.

23 Sec. 53. Section 16.193, subsection 3, paragraph a,
24 Code 2011, as amended by 2011 Iowa Acts, Senate File
25 475, section 11, is amended to read as follows:

26 a. During the term of the Iowa jobs program and
27 Iowa jobs II program, the Iowa finance authority shall
28 collect data on all of the projects approved for the
29 ~~program~~ programs. The department of management and
30 the state agencies associated with the projects shall
31 assist the authority with the data collection and in
32 developing the report required by this subsection. The
33 authority shall report quarterly to the governor and
34 the general assembly concerning the data.

35 Sec. 54. Section 68A.401, subsection 4, Code 2011,
36 as amended by 2011 Iowa Acts, Senate File 475, section
37 17, is amended to read as follows:

38 4. Political committees expressly advocating the
39 nomination, election, or defeat of candidates for
40 both federal office and any elected office created
41 by law or the Constitution of the State of Iowa
42 shall file statements and reports with the board in
43 addition to any federal reports required to be filed
44 with the board. However, a political committee that
45 is registered and filing full disclosure reports of
46 all financial activities with the federal election
47 commission may file verified statements as provided in
48 section ~~68B.201A~~ 68A.201A.

49 Sec. 55. Section 139A.19, subsection 3, as enacted
50 by 2011 Iowa Acts, House File 467, section 20, is

1 amended to read as follows:

2 3. This section does not preclude a hospital,
3 clinic, other health facility, or a health care
4 provider from providing notification to a care
5 provider under circumstances in which the hospital's,
6 clinic's, other health facility's, or health care
7 provider's policy provides for notification of the
8 hospital's, ~~clinics~~ clinic's, other health facility's,
9 or health care provider's own employees of exposure
10 to a contagious or infectious disease that is not
11 life-threatening if the notice does not reveal a
12 patient's name, unless the patient consents.

13 Sec. 56. Section 175.3, subsection 1, paragraph a,
14 Code 2011, as amended by 2011 Iowa Acts, Senate File
15 429, section 1, is amended to read as follows:

16 a. The agricultural development authority is
17 established within the department of agriculture and
18 land stewardship. The agency authority is constituted
19 as a public instrumentality and agency of the state
20 exercising public and essential governmental functions.

21 Sec. 57. Section 207.22, subsection 3, paragraph b,
22 Code 2011, as amended by 2011 Iowa Acts, Senate File
23 475, section 47, is amended to read as follows:

24 b. Acquisition of coal refuse disposal sites and
25 all coal refuse thereon will serve the purposes of
26 ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30
27 U.S.C. ch. 25, subch. IV, or that public ownership
28 is desirable to meet emergency situations and prevent
29 recurrences of the adverse effect of past coal mining
30 practices.

31 Sec. 58. Section 232.71D, subsection 3, paragraph
32 a, unnumbered paragraph 1, as enacted by 2011 Iowa
33 Acts, House File 562, section 3, is amended to read as
34 follows:

35 Unless any of the circumstances listed in paragraph
36 "b" are applicable, cases to which any of the following
37 circumstances apply shall not be placed ~~on~~ in the
38 central registry:

39 Sec. 59. Section 256.7, subsection 26, paragraph a,
40 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
41 File 453, section 1, is amended to read as follows:

42 (1) The rules establishing high school graduation
43 requirements shall authorize a school district
44 or accredited nonpublic school to consider that
45 any student who satisfactorily completes a high
46 school-level unit of English or language arts,
47 mathematics, science, or social studies has
48 satisfactorily completed a unit of the high school
49 graduation requirements for that area as specified in
50 this lettered paragraph, and ~~to~~ shall authorize the

1 school district or accredited nonpublic school to issue
2 high school credit for the unit to the student.

3 Sec. 60. Section 321.34, subsection 20C, paragraph
4 a, if enacted by 2011 Iowa Acts, House File 651,
5 section 2, is amended to read as follows:

6 a. The department, in consultation with the
7 adjutant general, shall design combat infantryman
8 badge, combat action badge, combat action ribbon, air
9 force combat action medal, and combat medical badge
10 distinguishing processed emblems. Upon receipt of two
11 hundred fifty orders for ~~special~~ combat infantryman
12 badge, combat action badge, combat action ribbon, air
13 force combat action medal, or combat medical badge
14 special registration plates, accompanied by a start-up
15 fee of twenty dollars per order, the department
16 shall begin issuing special registration plates with
17 the applicable distinguishing processed emblem as
18 provided in paragraphs "b" and "c". The minimum
19 order requirement shall apply separately to each of
20 the special registration plates created under this
21 subsection.

22 Sec. 61. Section 321.34, subsection 25, paragraph
23 a, if enacted by 2011 Iowa Acts, House File 651,
24 section 2, is amended to read as follows:

25 a. The department, in consultation with
26 the adjutant general, shall design a civil war
27 sesquicentennial distinguishing processed emblem. Upon
28 receipt of two hundred fifty orders for ~~special~~ civil
29 war sesquicentennial special registration plates,
30 accompanied by a start-up fee of twenty dollars per
31 order, the department shall begin issuing special
32 registration plates with a civil war sesquicentennial
33 processed emblem as provided in paragraph "b".

34 Sec. 62. Section 327B.5, Code 2011, is amended to
35 read as follows:

36 **327B.5 Penalty.**

37 Any person violating the provisions of this chapter
38 shall, upon conviction, be subject to a scheduled
39 fine as provided in section 805.8A, subsection 13,
40 ~~paragraphs~~ paragraph "f" and ~~"g"~~.

41 Sec. 63. Section 422.110, subsection 5, paragraph
42 a, subparagraph (2), if enacted by 2011 Iowa Acts,
43 Senate File 531, section 17, is amended to read as
44 follows:

45 (2) The E-15 plus gasoline promotion tax credit
46 pursuant to section 422.11Y.

47 Sec. 64. Section 422.11Y, subsection 1, paragraph
48 d, if enacted by 2011 Iowa Acts, Senate File 531,
49 section 35, is amended to read as follows:

50 d. "Tax credit" means the E-15 plus gasoline

1 promotion tax credit as provided in this section.

2 Sec. 65. Section 422.11Y, subsection 3, unnumbered
3 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
4 531, section 35, is amended to read as follows:

5 The taxes imposed under this division, less the
6 credits allowed under section 422.12, shall be reduced
7 by the amount of the E-15 plus gasoline promotion tax
8 credit for each tax year that the taxpayer is eligible
9 to claim a tax credit under this subsection.

10 Sec. 66. Section 422.11Y, subsection 6, paragraph
11 b, subparagraph (2), if enacted by 2011 Iowa Acts,
12 Senate File 531, section 35, is amended to read as
13 follows:

14 (2) The retail dealer may claim the ethanol
15 promotion tax credit as provided in paragraph "a" for
16 the same ethanol gallonage used to calculate and claim
17 the E-15 plus gasoline promotion tax credit.

18 Sec. 67. Section 423.4, subsection 9, unnumbered
19 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
20 531, section 59, is amended to read as follows:

21 A person who qualifies as a biodiesel producer as
22 provided in this subsection may apply to the director
23 for a refund of the amount of the sales or use tax
24 imposed and paid upon purchases made by the person.

25 Sec. 68. Section 483A.24A, Code 2011, as amended by
26 2011 Iowa Acts, Senate File 194, section 10, is amended
27 to read as follows:

28 **483A.24A License refunds — military service.**

29 Notwithstanding any provision of this chapter to
30 the contrary, a service member deployed for military
31 service, ~~both~~ as defined in section 29A.1, subsection
32 3, shall receive a refund of that portion of any
33 license fee paid by the service member representing the
34 service member's period of military service.

35 Sec. 69. Section 501.101, subsection 01, as enacted
36 by 2011 Iowa Acts, House File 348, section 7, is
37 amended to read as follows:

38 01. "*Alternative voting method*" means a method of
39 voting other than a written ballot, including voting
40 by electronic, telephonic, internet, or other means
41 that reasonably ~~allow~~ allows members the opportunity
42 to vote.

43 Sec. 70. Section 501A.703, subsection 5, paragraph
44 d, Code 2011, as amended by 2011 Iowa Acts, House File
45 348, section 19, is amended to read as follows:

46 d. If the ballot of the member is received by
47 the cooperative on or before the date of the regular
48 members' meeting or as otherwise prescribed for an
49 alternative, voting method, the ballot or alternative
50 voting method shall be accepted and counted as the vote

1 of the absent member.

2 Sec. 71. Section 511.8, subsection 22, paragraph i,
3 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
4 Senate File 406, section 25, is amended to read as
5 follows:

6 Securities held in the legal reserve of a life
7 insurance company or association pledged as collateral
8 for financial instruments used in highly effective
9 hedging transactions as defined in the national
10 association of insurance commissioners' ~~Statement~~
11 ~~statement of Statutory Accounting Principles No.~~
12 statutory accounting principles no. 86 shall continue
13 to be eligible for inclusion ~~on~~ in the legal reserve of
14 the life insurance company or association subject to
15 all of the following:

16 Sec. 72. Section 514J.109, subsection 3, paragraph
17 f, if enacted by 2011 Iowa Acts, House File 597,
18 section 9, is amended to read as follows:

19 f. The covered person or the covered person's
20 authorized representative has provided all the
21 information and forms required by the commissioner that
22 are necessary to process an external review request
23 pursuant to this section.

24 Sec. 73. Section 521F.4, subsection 1, paragraph b,
25 as enacted by 2011 Iowa Acts, Senate File 406, section
26 44, is amended to read as follows:

27 b. The filing of a risk-based capital report by
28 a health organization which indicates that the health
29 organization has total adjusted capital which is
30 greater than or equal to its company-action-level
31 risk-based capital but less than the product of its
32 authorized-control-level risk-based capital and three
33 and triggers the trend test determined in accordance
34 with the trend test ~~calculations~~ calculation included
35 in the health risk-based capital instructions.

36 Sec. 74. Section 524.310, subsection 5, paragraph
37 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
38 475, section 120, is amended to read as follows:

39 b. A corporate or company name reserved,
40 registered, or protected as provided in section
41 489.109, 490.402, 490.403, 490A.402, 504.402, or
42 504.403.

43 Sec. 75. Section 717.3, subsection 5, paragraph b,
44 Code 2011, as enacted by 2011 Iowa Acts, Senate File
45 478, section 6, is amended to read as follows:

46 b. That the department shall assume supervision of
47 and provide for the sustenance of the livestock ~~and~~ as
48 provided in section 717.4.

49 Sec. 76. Section 717.4, subsection 2, as enacted by
50 2011 Iowa Acts, Senate File 478, section 7, is amended

1 to read as follows:

2 2. The court ordered lien shall be for the benefit
3 of the department. The amount of the lien shall not
4 be ~~not~~ more than for expenses incurred in providing
5 sustenance to the livestock pursuant to section 717.3
6 and providing for the disposition of the livestock
7 pursuant to section 717.5.

8 Sec. 77. Section 717.4A, as enacted by 2011 Iowa
9 Acts, Senate File 478, section 8, is amended to read
10 as follows:

11 **717.4A Livestock in immediate need of sustenance —**
12 **livestock remediation fund.**

13 The department may utilize the moneys deposited
14 into the livestock remediation fund pursuant to
15 section 459.501 to pay for any expenses associated
16 with providing sustenance to or the disposition of the
17 livestock pursuant to a court order entered pursuant to
18 section 717.3 or 717.5. The department shall utilize
19 moneys from the fund only to the extent that the
20 department determines that expenses cannot be timely
21 paid by utilizing the available provisions of sections
22 717.4 and 717.5. The department shall deposit any
23 unexpended and unobligated moneys in the fund. The
24 department shall pay to the fund the proceeds from the
25 disposition of the livestock and associated products
26 less expenses incurred by the department in providing
27 for the sustenance and disposition of the livestock, as
28 provided in section 717.5.

29 Sec. 78. Section 903A.5, subsection 1, as enacted
30 by 2011 Iowa Acts, House File 271, section 3, is
31 amended to read as follows:

32 1. An inmate shall not be discharged from the
33 custody of the director of the Iowa department of
34 corrections until the inmate has served the full term
35 for which the inmate was sentenced, less earned time
36 and other credits earned and not forfeited, unless
37 the inmate is pardoned or otherwise legally released.
38 Earned time accrued and not forfeited shall apply
39 to reduce a mandatory minimum sentence being served
40 pursuant to section 124.406, 124.413, 902.7, 902.8,
41 902.8A, or 902.11. An inmate shall be deemed to be
42 serving the sentence from the day on which the inmate
43 is received into the institution. If an inmate was
44 confined to a county jail or other correctional or
45 mental facility at any time prior to sentencing, or
46 after sentencing but prior to the case having been
47 decided on appeal, because of failure to furnish
48 bail or because of being charged with a nonbailable
49 offense, the inmate shall be given credit for the
50 days already served upon the term of the sentence.

1 However, if a person commits any offense while confined
2 in a county jail or other correctional or mental
3 health facility, the person shall not be granted
4 jail credit for that offense. Unless the inmate was
5 confined in a correctional facility, the sheriff of
6 the county in which the inmate was confined shall
7 certify to the clerk of the district court from which
8 the inmate was sentenced and to the department of
9 corrections' records administrator at the Iowa medical
10 and classification center the number of days so served.
11 The department of corrections' records administrator,
12 or the administrator's designee, shall apply jail
13 credit as ordered by the court of proper jurisdiction
14 or as authorized by this section and section 907.3,
15 subsection 3.

16 Sec. 79. EFFECTIVE DATES.

17 1. The section of this division of this Act
18 amending section 422.110, subsection 5, paragraph a,
19 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
20 File 531, section 17, takes effect January 1, 2012.

21 2. Section 423.4, subsection 9, unnumbered
22 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
23 531, section 59, takes effect January 1, 2012.

24 Sec. 80. APPLICABILITY.

25 1. The section of this division of this Act
26 amending section 422.110, subsection 5, paragraph a,
27 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
28 File 531, section 17, applies to tax years beginning on
29 and after January 1, 2012.

30 2. The section of this division of this Act
31 amending section 422.11Y, subsection 1, paragraph d, if
32 enacted by 2011 Iowa Acts, Senate File 531, section 35,
33 applies to tax years beginning on and after January 1,
34 2012, and to that part of a retail dealer's tax year or
35 tax years occurring during that portion of the calendar
36 year beginning on and after July 1, 2011, and ending
37 on December 31, 2011.

38 3. The section of this division of this Act
39 amending section 422.11Y, subsection 3, unnumbered
40 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
41 531, section 35, applies to tax years beginning on and
42 after January 1, 2012, and to that part of a retail
43 dealer's tax year or tax years occurring during that
44 portion of the calendar year beginning on and after
45 July 1, 2011, and ending on December 31, 2011.

46 4. The section of this division of this Act
47 amending section 422.11Y, subsection 6, paragraph b,
48 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
49 File 531, section 35, applies to tax years beginning on
50 and after January 1, 2012, and to that part of a retail

1 dealer's tax year or tax years occurring during that
2 portion of the calendar year beginning on and after
3 July 1, 2011, and ending on December 31, 2011.

4 DIVISION VII

5 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

6 Sec. 81. VISION SCREENING PROGRAM — DEPARTMENT
7 OF PUBLIC HEALTH. There is appropriated from the
8 general fund of the state to the department of public
9 health for the fiscal year beginning July 1, 2011, and
10 ending June 30, 2012, the following amount, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:

13 For a grant to a national affiliated volunteer
14 eye organization that has an established program for
15 children and adults and that is solely dedicated to
16 preserving sight and preventing blindness through
17 education, nationally certified vision screening and
18 training, and community and patient service programs:
19 \$ 100,000

20 Sec. 82. APPROPRIATION — FARMERS WITH
21 DISABILITIES. There is appropriated from the general
22 fund of the state to the department of agriculture and
23 land stewardship for the fiscal year beginning July 1,
24 2011, and ending June 30, 2012, the following amount,
25 or so much thereof as is necessary, for a program for
26 farmers with disabilities:
27 \$ 97,000

28 The moneys appropriated in this section shall be
29 used for the public purpose of providing a grant to
30 a national nonprofit organization with over 80 years
31 of experience in assisting children and adults with
32 disabilities and special needs. The moneys shall
33 be used to support a nationally recognized program
34 that began in 1986 and has been replicated in at
35 least 30 other states, but which is not available
36 through any other entity in this state, and that
37 provides assistance to farmers with disabilities in
38 all 99 counties to allow the farmers to remain in
39 their own homes and be gainfully engaged in farming
40 through provision of agricultural worksite and home
41 modification consultations, peer support services,
42 services to families, information and referral, and
43 equipment loan services. Notwithstanding section
44 8.33, moneys appropriated in this section that remain
45 unencumbered or unobligated at the close of the fiscal
46 year shall not revert but shall remain available for
47 expenditure for the purposes designated until the close
48 of the succeeding fiscal year.

49 Sec. 83. APPROPRIATION — BATTLESHIP IOWA, BB-61.
50 1. There is appropriated from the general fund of

1 the state to the department of cultural affairs for the
2 fiscal year beginning July 1, 2010, and ending June 30,
3 2011, the following amount, or so much thereof as is
4 necessary, to be credited to the BB-61 fund created in
5 2010 Iowa Acts, chapter 1194:

6 \$ 3,000,000

7 2. If the department of the navy, pursuant to a
8 process outlined in a notice published in the federal
9 register on May 24, 2010, volume 75, number 99, awards
10 possession or conditionally awards possession of the
11 battleship Iowa, BB-61, to a nonprofit group that is
12 eligible to receive the battleship, the department of
13 cultural affairs shall award a grant to the nonprofit
14 group in an amount equal to \$3 million in addition to
15 any moneys awarded as a grant from the BB-61 fund.

16 3. Notwithstanding section 8.33, moneys
17 appropriated in this section that remain unencumbered
18 or unobligated at the close of the fiscal year shall
19 not revert but shall remain available for expenditure
20 for the purposes designated for succeeding fiscal
21 years.

22 Sec. 84. GROUP HOME GRANT. There is appropriated
23 from the general fund of the state to the Iowa finance
24 authority for the fiscal year beginning July 1, 2010,
25 and ending June 30, 2011, the following amount, or
26 so much thereof as is necessary, to be used for the
27 purposes designated:

28 For a grant to a nonprofit organization providing
29 residential services for persons with an intellectual
30 disability at the intermediate care facility level
31 and services under the medical assistance program
32 habilitation and brain injury home and community-based
33 services waivers, that is located in and providing such
34 services in a county with a population between 90,000
35 and 95,000, according to the latest certified federal
36 census:

37 \$ 100,000

38 The grant under this section shall be used for
39 purchase or remodeling costs to develop a group home
40 for not more than four individuals with intellectual
41 disabilities or brain injury. Notwithstanding section
42 8.33, moneys appropriated in this section that remain
43 unencumbered or unobligated at the close of the fiscal
44 year shall not revert but shall remain available for
45 expenditure for the purposes designated until the close
46 of the succeeding fiscal year.

47 Sec. 85. INVESTIGATIONS DIVISION OF DEPARTMENT
48 OF INSPECTIONS AND APPEALS — CONTINGENT FTE
49 AUTHORIZATION. If Senate File 313 or successor
50 legislation providing for debt setoff or other

1 recovery activities for nonpayment of premiums
2 pursuant to section 249A.3, subsection 2, paragraph
3 "a", subparagraph (1), relating to a special income
4 eligibility group under the Medicaid program, or
5 pursuant to section 249J.8, subsection 1, relating
6 to the expansion population eligibility group under
7 the IowaCare program, is enacted by the Eighty-fourth
8 General Assembly, 2011 Session, in addition to
9 other full-time equivalent positions authorized for
10 the investigations division of the department of
11 inspections and appeals for the fiscal year beginning
12 July 1, 2011, not more than 2.00 FTEs are authorized,
13 to the extent funded through moneys available to the
14 department of human services, to be used to implement
15 such provisions of Senate File 313 or successor
16 legislation.

17 Sec. 86. SPECIAL EDUCATION INSTRUCTIONAL
18 PROGRAM. If a school district that is participating
19 on a contractual basis in a special education
20 instructional program operated by an area education
21 agency, in which the area education agency employed
22 teachers on behalf of the school district at the time
23 the department of management calculated the teacher
24 salary supplement cost per pupil under section 257.10,
25 subsection 9, the professional development supplement
26 cost per pupil under section 257.10, subsection 10,
27 the area education agency teacher salary supplement
28 cost per pupil under section 257.37A, subsection 1,
29 and the area education agency professional development
30 supplement cost per pupil under section 257.37A,
31 subsection 2, for the fiscal year beginning July 1,
32 2009, terminates the contract for participation in
33 the special education instructional program, the area
34 education agency operating the program shall notify the
35 department of management of the contract termination by
36 the following April 1. The department of management
37 shall recalculate the cost per pupil amounts for
38 the area education agency and the school district
39 for the fiscal year succeeding the notification date
40 for the teacher salary supplement cost per pupil
41 under section 257.10, subsection 9, the professional
42 development supplement cost per pupil under section
43 257.10, subsection 10, the area education agency
44 teacher salary supplement cost per pupil under section
45 257.37A, subsection 1, and the area education agency
46 professional development supplement cost per pupil
47 under section 257.37A, subsection 2, by estimating the
48 amount of the original allocations used in the cost
49 per pupil calculation that would have been allocated
50 to the school district rather than the area education

1 agency had the special education instructional program
2 not existed, and the department of management shall
3 increase the annual supplement cost per pupil for
4 the school district and area education agency by the
5 appropriate allowable growth for the appropriate fiscal
6 years.

7 Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL
8 ABUSE OF CHILDREN.

9 1. A task force on the prevention of sexual abuse
10 of children is established consisting of the following
11 members:

12 a. Four members of the general assembly serving as
13 ex officio, nonvoting members, with not more than one
14 member from each chamber being from the same political
15 party. The two senators shall be appointed, one
16 each, by the majority leader of the senate and by the
17 minority leader of the senate. The two representatives
18 shall be appointed, one each, by the speaker of the
19 house of representatives and by the minority leader of
20 the house of representatives.

21 b. The director of human services or the director's
22 designee.

23 c. The director of the department of education or
24 the director's designee.

25 d. The director of public health or the director's
26 designee.

27 e. The state court administrator or the state court
28 administrator's designee.

29 f. A representative of the Iowa county attorneys
30 association, appointed by the president of that
31 association.

32 g. A representative of the chief juvenile court
33 officers, appointed by the chief justice of the supreme
34 court.

35 h. A representative of the Iowa state education
36 association, appointed by the president of that
37 organization.

38 i. A representative of prevent child abuse Iowa,
39 appointed by the director of human services.

40 j. A representative of school administrators of
41 Iowa, appointed by the president of that organization.

42 k. A representative of the Iowa association of
43 school boards, appointed by the executive director of
44 that organization.

45 l. A representative of the Iowa psychological
46 association, appointed by the president of that
47 association.

48 m. A representative of the Iowa coalition against
49 sexual assault, appointed by the executive director of
50 that coalition.

1 n. A representative of prevent child abuse
2 Iowa, appointed by the executive director of that
3 organization.

4 o. A child abuse expert employed by or under
5 contract with one of Iowa's nationally accredited child
6 protection centers, appointed by the director of the
7 regional child protection center located in Des Moines.

8 2. Members of the task force shall be individuals
9 who are actively involved in the fields of child abuse
10 prevention. To the extent possible, appointment of
11 members shall reflect the geographic diversity of the
12 state. The voting members of the task force shall
13 serve without compensation and shall not be reimbursed
14 for their expenses.

15 3. The director of prevent child abuse Iowa, or the
16 director's designee, shall convene the organizational
17 meeting of the task force. The task force shall
18 elect from among its members a chairperson. Meetings
19 shall be held at the call of the chairperson or at the
20 request of two or more task force members. Six members
21 shall constitute a quorum and the affirmative vote of
22 six members shall be necessary for any action taken by
23 the task force.

24 4. Prevent child abuse Iowa shall provide staff
25 support to the task force.

26 5. The task force shall consult with employees of
27 the department of human services, the Iowa coalition
28 against sexual assault, the department of public
29 safety, the state board of education, and any other
30 state agency or department as necessary to accomplish
31 the task force's responsibilities under this section.

32 6. The task force shall develop a model policy
33 addressing sexual abuse of children that may include
34 but is not limited to the following:

35 a. Age-appropriate curricula for students enrolled
36 in prekindergarten through grade five.

37 b. Training options for school personnel on child
38 sexual abuse.

39 c. Educational information for parents and
40 guardians that may be provided in a school handbook and
41 may include the warning signs of a child being abused,
42 along with any needed assistance, referral, or resource
43 information.

44 d. Counseling options and resources available
45 statewide for students affected by sexual abuse.

46 e. Emotional and educational support services
47 that may be available for a child subject to abuse to
48 continue to be successful in school.

49 f. Methods for increasing teacher, student, and
50 parent awareness of issues regarding sexual abuse of

1 children, including but not limited to knowledge of
2 likely warning signs indicating that a child may be a
3 victim of sexual abuse.

4 g. Actions that a child who is a victim of
5 sexual abuse should take to obtain assistance and
6 intervention.

7 7. The task force shall make recommendations for
8 preventing the sexual abuse of children in Iowa. In
9 making those recommendations, the task force shall do
10 the following:

11 a. Gather information concerning child sexual abuse
12 throughout the state.

13 b. Receive reports and testimony from individuals,
14 state and local agencies, community-based
15 organizations, and other public and private
16 organizations.

17 c. Create goals for state policy that would prevent
18 child sexual abuse.

19 d. Submit a final report with its recommendations
20 to the governor and the general assembly on or before
21 January 16, 2012. The recommendations may include
22 proposals for specific statutory changes and methods
23 to foster cooperation among state agencies and between
24 the state, local school districts, and other local
25 governments.

26 Sec. 88. RAILROAD COMPANY — LIMITED LIABILITY. A
27 railroad company which alters facilities described in
28 section 327F.2 pursuant to a written agreement executed
29 on or before December 31, 2012, with a political
30 subdivision with a population of more than 67,800,
31 but less than 67,900, according to the 2010 certified
32 federal census, to construct a flood mitigation project
33 shall receive the limitation on liability contained
34 in section 670.4, subsection 8, for its facilities
35 described in section 327F.2 governed by the written
36 agreement for any damages caused by the alteration due
37 to a flood.

38 Sec. 89. STATE AGENCY OFFICE SUPPLIES PURCHASE,
39 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
40 MARKETING — APPLICABILITY. The limitation on
41 expenditures made for office supplies, purchases
42 of equipment, office equipment, and equipment
43 noninventory, printing and binding, and marketing
44 implemented pursuant to 2011 Iowa Acts, House File 45,
45 section 2, does not apply to a department or agency
46 receiving a supplemental appropriation for the fiscal
47 year beginning July 1, 2010, pursuant to 2011 Iowa
48 Acts, Senate File 209, division III.

49 Sec. 90. ELECTIONS-RELATED SOFTWARE.

50 Any computer software developed by a county for

1 purposes of election activities is the property of
2 the county unless the county sells the rights to the
3 software.

4 Sec. 91. EFFECTIVE DATE — 2011 IOWA ACTS, SENATE
5 FILE 205.

6 1. 2011 Iowa Acts, Senate File 205, section 3,
7 amending section 321.47, subsection 2, being deemed of
8 immediate importance, takes effect on the effective
9 date of this section of this division of this Act.

10 2. 2011 Iowa Acts, Senate File 205, section 4,
11 enacting section 321.113, subsection 5, being deemed
12 of immediate importance, takes effect on the effective
13 date of this section of this division of this Act.

14 3. 2011 Iowa Acts, Senate File 205, section 5,
15 amending section 321.121, subsection 1, paragraph "b",
16 being deemed of immediate importance, takes effect on
17 the effective date of this section of this division of
18 this Act.

19 4. 2011 Iowa Acts, Senate File 205, section 6,
20 enacting section 321.122, subsection 1, paragraph "b",
21 subparagraph (3), being deemed of immediate importance,
22 takes effect on the effective date of this section of
23 this division of this Act.

24 Sec. 92. Section 80B.6, subsection 1, as amended by
25 2011 Iowa Acts, Senate File 236, section 1, is amended
26 to read as follows:

27 1. An Iowa law enforcement academy council is
28 created consisting of the following ~~thirteen~~ fifteen
29 voting members appointed by the governor, subject to
30 confirmation by the senate, to terms of four years
31 commencing as provided in section 69.19:

32 a. Three residents of the state.

33 b. A sheriff of a county with a population of fifty
34 thousand persons or more who is a member of the Iowa
35 state sheriffs and deputies association.

36 c. A sheriff of a county with a population of less
37 than fifty thousand persons who is a member of the Iowa
38 state sheriffs and deputies association.

39 d. A deputy sheriff of a county who is a member of
40 the Iowa state sheriffs and deputies association.

41 e. A member of the Iowa peace officers association.

42 f. A member of the Iowa state police association.

43 g. A member of the Iowa police chiefs association.

44 h. A police officer who is a member of a police
45 department of a city with a population of fifty
46 thousand persons or more.

47 i. A police officer who is a member of a police
48 department of a city with a population of less than
49 fifty thousand persons.

50 j. A member of the department of public safety.

1 k. A member of the office of motor vehicle
2 enforcement of the department of transportation.

3 l. An employee of a county conservation board who
4 is a certified peace officer.

5 m. A conservation peace officer employed under
6 section 456A.13.

7 Sec. 93. Section 256C.5, subsection 1, paragraph c,
8 Code 2011, is amended to read as follows:

9 c. "Preschool budget enrollment" means the figure
10 that is equal to ~~sixty~~ fifty percent of the actual
11 enrollment of eligible students in the preschool
12 programming provided by a school district approved
13 to participate in the preschool program on October 1
14 of the base year, or the first Monday in October if
15 October 1 falls on a Saturday or Sunday.

16 Sec. 94. Section 279.51, subsection 2, Code 2011,
17 is amended to read as follows:

18 2. a. Funds allocated under subsection 1,
19 paragraph "b", shall be used by the child development
20 coordinating council for the following:

21 ~~a.~~ (1) To continue funding for programs previously
22 funded by grants awarded under section 256A.3 and to
23 provide additional grants under section 256A.3. The
24 council shall seek to provide grants on the basis of
25 the location within the state of children meeting
26 at-risk definitions.

27 ~~b.~~ (2) At the discretion of the child development
28 coordinating council, award grants for the following:

29 (1) (a) To school districts to establish programs
30 for three-year-old, four-year-old, and five-year-old
31 at-risk children which are a combination of preschool
32 and full-day kindergarten.

33 (2) (b) To provide grants to provide educational
34 support services to parents of at-risk children age
35 birth through three years.

36 b. A grantee under this subsection may direct the
37 use of moneys received to serve any qualifying child
38 ranging in age from three years old to five years old,
39 regardless of the age of population indicated on the
40 grant request in its initial year of application. A
41 grantee is encouraged to consider the degree to which
42 the program complements existing programs and services
43 for three-year-old, four-year-old, and five-year-old
44 at-risk children available in the area, including other
45 child care and preschool services, services provided
46 through a school district, and services available
47 through an area education agency.

48 Sec. 95. Section 303.19A, subsection 1, as enacted
49 by 2011 Iowa Acts, House File 267, section 2, is
50 amended to read as follows:

1 1. The state historic preservation officer shall
2 only recommend that a rural electric cooperative or a
3 municipal utility constructing electric distribution
4 and transmission facilities for which it is receiving
5 federal funding conduct an archeological site survey
6 of its proposed route when, based upon a review of
7 existing information on historic properties within the
8 area of potential effects of the construction, the
9 state historic preservation officer has determined
10 that a historic property, as defined by the federal
11 National Historic Preservation Act of 1966, as amended,
12 is likely to exist within the proposed route.

13 Sec. 96. Section 321J.2, subsection 4, paragraph b,
14 Code 2011, is amended to read as follows:

15 b. Assessment of a minimum fine of one thousand
16 eight hundred ~~fifty~~ seventy-five dollars and a maximum
17 fine of six thousand two hundred fifty dollars.
18 Surcharges and fees shall be assessed pursuant to
19 chapter 911.

20 Sec. 97. Section 422.11S, subsection 7, paragraph
21 a, subparagraph (2), Code 2011, is amended to read as
22 follows:

23 (2) *"Total approved tax credits"* means for the
24 tax year beginning in the 2006 calendar year, two
25 million five hundred thousand dollars, for the tax
26 year beginning in the 2007 calendar year, five million
27 dollars, and for tax years beginning on or after
28 January 1, 2008, seven million five hundred thousand
29 dollars. However, for tax years beginning on or
30 after January 1, 2012, and only if legislation is
31 enacted by the eighty-fourth general assembly, 2011
32 session, amending section 257.8, subsections 1 and 2,
33 to establish both the state percent of growth and the
34 categorical state percent of growth for the budget
35 year beginning July 1, 2012, at three percent, "total
36 approved tax credits" means ten million dollars.

37 Sec. 98. Section 453A.35, subsection 1, Code 2011,
38 is amended to read as follows:

39 1. a. The With the exception of revenues credited
40 to the health care trust fund pursuant to paragraph
41 "b", the proceeds derived from the sale of stamps and
42 the payment of taxes, fees, and penalties provided for
43 under this chapter, and the permit fees received from
44 all permits issued by the department, shall be credited
45 to the general fund of the state. However, of

46 b. Of the revenues generated from the tax on
47 cigarettes pursuant to section 453A.6, subsection
48 1, and from the tax on tobacco products as specified
49 in section 453A.43, subsections 1, 2, 3, and 4, and
50 credited to the general fund of the state under this

1 ~~subsection, there is appropriated, annually, to the~~
2 ~~health care trust fund created in section 453A.35A, the~~
3 ~~first one hundred six million sixteen thousand four~~
4 ~~hundred dollars shall be credited to the health care~~
5 ~~trust fund created in section 453A.35A.~~

6 Sec. 99. Section 453A.35A, subsection 1, Code 2011,
7 is amended to read as follows:

8 1. A health care trust fund is created in the
9 office of the treasurer of state. The fund consists
10 of the revenues generated from the tax on cigarettes
11 pursuant to section 453A.6, subsection 1, and from
12 the tax on tobacco products as specified in section
13 453A.43, subsections 1, 2, 3, and 4, that are credited
14 to the ~~general fund of the state and appropriated to~~
15 ~~the health care trust fund, annually, pursuant to~~
16 ~~section 453A.35. Moneys in the fund shall be separate~~
17 ~~from the general fund of the state and shall not be~~
18 ~~considered part of the general fund of the state.~~
19 However, the fund shall be considered a special account
20 for the purposes of section 8.53 relating to generally
21 accepted accounting principles. Moneys in the fund
22 shall be used only as specified in this section and
23 shall be appropriated only for the uses specified.
24 Moneys in the fund are not subject to section 8.33
25 and shall not be transferred, used, obligated,
26 appropriated, or otherwise encumbered, except as
27 provided in this section. Notwithstanding section
28 12C.7, subsection 2, interest or earnings on moneys
29 deposited in the fund shall be credited to the fund.

30 Sec. 100. Section 466B.31, subsection 2, paragraph
31 a, Code 2011, is amended by adding the following new
32 subparagraphs:

33 NEW SUBPARAGRAPH. (17) One member selected by the
34 agribusiness association of Iowa.

35 NEW SUBPARAGRAPH. (18) One member selected by the
36 Iowa floodplain and stormwater management association.

37 NEW SUBPARAGRAPH. (19) One member selected by Iowa
38 rivers revival.

39 Sec. 101. Section 523I.102, subsection 6, paragraph
40 c, Code 2011, is amended to read as follows:

41 c. A pioneer cemetery. However, a pioneer
42 cemetery is a cemetery for purposes of sections
43 523I.316, 523I.317, 523I.401, and 523I.402.

44 Sec. 102. Section 537A.5, subsection 1, as enacted
45 by 2011 Iowa Acts, Senate File 396, section 1, is
46 amended to read as follows:

47 1. As used in this section, "*construction contract*"
48 means an agreement relating to the construction,
49 alteration, improvement, development, demolition,
50 excavation, rehabilitation, maintenance, or repair

1 of buildings, highways, roads, streets, bridges,
2 tunnels, transportation facilities, airports, water or
3 sewage treatment plants, power plants, or any other
4 improvements to real property in this state, including
5 shafts, wells, and structures, whether on ground, above
6 ground, or underground, and includes agreements for
7 architectural services, design services, engineering
8 services, construction services, construction
9 management services, development services, maintenance
10 services, material purchases, equipment rental, and
11 labor. "Construction contract" includes all public,
12 private, foreign, or domestic agreements as described
13 in this subsection other than such public agreements
14 relating to highways, roads, and streets.

15 Sec. 103. Section 654.4B, subsection 2, paragraph
16 b, Code 2011, is amended to read as follows:

17 b. This subsection is repealed July 1, ~~2011~~ 2012.

18 Sec. 104. APPLICABILITY. The section of this
19 division of this Act amending section 256C.5,
20 subsection 1, takes effect upon enactment, and applies
21 to budget years beginning on or after July 1, 2011.

22 Sec. 105. EFFECTIVE UPON ENACTMENT. The following
23 provision or provisions of this division of this Act,
24 being deemed of immediate importance, take effect upon
25 enactment:

26 1. The section of this division of this Act
27 amending section 303.19A.

28 2. The section of this division of this Act
29 amending section 654.4B.

30 3. The section of this division of this Act
31 appropriating moneys to the department of cultural
32 affairs for purposes of a grant for the battleship
33 Iowa, BB-61.

34 4. The section of this division of this Act
35 creating a task force on the prevention of sexual abuse
36 of children.

37 5. The section of this division of this Act
38 providing effective dates for certain provisions in
39 2011 Iowa Acts, Senate File 205.

40 6. The section in this division of this Act making
41 an appropriation to the Iowa finance authority for a
42 group home grant.

43 7. The section of this division of this Act
44 relating to a school district participating on a
45 contractual basis in a special education instructional
46 program operated by an area education agency.

47 Sec. 106. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
48 APPLICABILITY. The provision of this division of this
49 Act relating to a limitation on state agency office
50 supplies purchase, equipment purchases, printing and

1 binding, and marketing as enacted by 2011 Iowa Acts,
2 House File 45, being deemed of immediate importance,
3 takes effect upon enactment and applies retroactively
4 to March 7, 2011.

5
6 DIVISION VIII
7 APPROPRIATION TRANSFERS
8 REBUILD IOWA INFRASTRUCTURE FUND

9 Sec. 107. 2010 Iowa Acts, chapter 1184, section 26,
10 is amended to read as follows:

11 SEC. 26. There is appropriated from the rebuild
12 Iowa infrastructure fund to the department of economic
13 development for deposit in the grow Iowa values fund,
14 for the fiscal year beginning July 1, 2010, and ending
15 June 30, 2011, the following amount, notwithstanding
16 section 8.57, subsection 6, paragraph "c":

17 \$ 38,000,000

18 Of the moneys appropriated in this section, from
19 the amount allocated to the department of economic
20 development in accordance with 2010 Iowa Acts, chapter
21 1184, section 28, subsection 1, \$1,200,000 shall
22 be used for the department's Iowans helping Iowans
23 business assistance program. Notwithstanding section
24 8.33, moneys designated pursuant to this unnumbered
25 paragraph that remain unencumbered or unobligated at
26 the close of the fiscal year shall not revert but shall
27 remain available for expenditure for the purposes
28 designated until the close of the succeeding fiscal
29 year.

30 CASH RESERVE FUND

31 Sec. 108. 2010 Iowa Acts, chapter 1193, section 90,
32 subsection 1, is amended to read as follows:

33 1. DEPARTMENT OF HUMAN SERVICES

34 For the medical assistance program:

35 \$187,800,000

36 a. Of the moneys appropriated in this subsection,
37 the following amounts shall be transferred as follows:

38 (1) To the Iowa finance authority to be used for
39 the Iowans helping Iowans housing assistance program:

40 \$ 6,050,000

41 (2) To the department of human services to be
42 used for the unmet needs program administered by the
43 department:

44 \$ 3,056,603

45 b. Notwithstanding section 8.33, moneys transferred
46 pursuant to paragraph "a" that remain unencumbered
47 or unobligated at the close of the fiscal year shall
48 not revert but shall remain available for expenditure
49 for the purposes designated until the close of the
50 succeeding fiscal year.

51 Sec. 109. EFFECTIVE DATE — APPLICABILITY.

1 1. This division of this Act being deemed of
2 immediate importance takes effect upon enactment, and
3 if approved by the governor on or after July 1, 2011,
4 are retroactively applicable to the date specified in
5 subsection 2.

6 2. The provisions of this division of this Act
7 providing for transfers are retroactively applicable
8 to August 27, 2010, and apply in lieu of the transfers
9 made for the same purposes by the executive branch,
10 as reported by the department of management in the
11 transfer notice to the governor and lieutenant governor
12 dated August 27, 2010.

13 DIVISION IX
14 REORGANIZATION

15 Sec. 110. NEW SECTION. 8.75 Contract services —
16 training.

17 1. Each department, as defined in section
18 8.2, shall separately track the budget and actual
19 expenditures for contract services and for employee
20 training for each appropriation line item.

21 2. The terms of the contracts for contracted
22 services entered into or revised during the fiscal year
23 shall incorporate quality assurance and cost control
24 measures.

25 3. The employee training tracking information
26 shall be further divided into training categories.
27 Each department's report on training tracking shall
28 specifically address the use of electronically based
29 training.

30 4. Each department shall report to the legislative
31 services agency on January 15 and July 15 of each year
32 concerning the budget, expenditure, quality assurance,
33 and cost control information addressed by this section
34 for the previous six calendar months.

35 Sec. 111. NEW SECTION. 8A.319 State government
36 purchasing efforts — department of administrative
37 services.

38 In order to facilitate efficient and cost-effective
39 purchasing, the department of administrative services
40 shall do the following:

41 1. Require state agencies to provide the department
42 with a report regarding planned purchases on an annual
43 basis and to report on an annual basis regarding
44 efforts to standardize products and services within
45 their own agencies and with other state agencies.

46 2. Require state employees who conduct bids for
47 services to receive training on an annual basis about
48 procurement rules and procedures and procurement best
49 practices.

50 3. Identify procurement compliance employees within

1 the department.

2 4. Review the process and basis for establishing
3 departmental fees for purchasing.

4 5. Establish a work group to collaborate on best
5 practices to implement the best cost savings for the
6 state concerning purchasing.

7 6. Explore interstate and intergovernmental
8 purchasing opportunities and encourage the legislative
9 and judicial branches to participate in consolidated
10 purchasing and efficiencies wherever possible.

11 7. Expand the use of procurement cards throughout
12 state government to facilitate purchasing of items by
13 state agencies.

14 Sec. 112. DEPARTMENT OF ADMINISTRATIVE SERVICES
15 INFORMATION TECHNOLOGY — UTILIZATION BY LEGISLATIVE
16 AND JUDICIAL BRANCH. The department of administrative
17 services shall consult with and explore opportunities
18 with the legislative and judicial branches of
19 government relative to the providing of information
20 technology services to those branches of government.

21 Sec. 113. STATE AGENCY ELECTRONIC RENEWAL
22 NOTICES. State agencies, as defined in section 8A.101,
23 should, to the greatest extent possible, utilize
24 electronic mail or similar electronic means to notify
25 holders of licenses or permits issued by that state
26 agency that the license or permit needs to be renewed.
27 The chief information officer of the state shall assist
28 state agencies in implementing the directive in this
29 section.

30 Sec. 114. STATE AGENCY EFFICIENCY EFFORTS.

31 1. LEAN EFFORTS. State agencies shall budget for
32 and plan to conduct lean projects as described in
33 section 8.70. Each state agency shall coordinate its
34 activities with the office of lean enterprise created
35 in section 8.70 in developing plans to conduct lean
36 projects.

37 2. SHARED RESOURCES. State agencies are encouraged
38 to share resources and services, including staff,
39 training, and educational services, to the greatest
40 extent possible in order to best fulfill the duties of
41 each agency at the least cost.

42 Sec. 115. JOINT APPROPRIATIONS SUBCOMMITTEES —
43 REVIEW OF AGENCY FEES. Each joint appropriations
44 subcommittee of the general assembly shall examine and
45 review on an annual basis the fees charged by state
46 agencies under the purview of that joint appropriations
47 subcommittee.

48 Sec. 116. DEPARTMENT OF ADMINISTRATIVE SERVICES —
49 STREAMLINED HIRING. The department of administrative
50 services shall, in consultation with the department of

1 management, examine the process by which state agencies
2 hire personnel with the goal of simplifying and
3 reducing the steps needed for state agencies to hire
4 personnel. The department shall provide information
5 to the general assembly concerning steps taken to
6 implement a more streamlined hiring process and any
7 recommendations for legislative action.

8 Sec. 117. TOBACCO RETAIL COMPLIANCE CHECKS. For
9 the fiscal year beginning July 1, 2011, and ending June
10 30, 2012, the terms of a chapter 28D agreement, entered
11 into between the division of tobacco use prevention
12 and control of the department of public health and
13 the alcoholic beverages division of the department of
14 commerce, governing compliance checks conducted to
15 ensure licensed retail tobacco outlet conformity with
16 tobacco laws, regulations, and ordinances relating to
17 persons under eighteen years of age, shall restrict the
18 number of such checks to one check per retail outlet,
19 and one additional check for any retail outlet found to
20 be in violation during the first check.

21 Sec. 118. DEPARTMENT OF ADMINISTRATIVE SERVICES
22 — CENTRALIZED PAYROLL SYSTEM. The department of
23 administrative services shall examine the possibility
24 of merging all state payroll systems into the
25 centralized payroll system operated by the department.
26 The department shall consult with those entities
27 of state government not utilizing the centralized
28 payroll system, including but not limited to the state
29 department of transportation, about strategies for
30 encouraging utilization of the state's centralized
31 payroll system and by identifying those barriers
32 preventing merging of the payroll systems. The
33 department shall provide information to the joint
34 appropriations subcommittee on administration and
35 regulation concerning efforts by the department to
36 merge payroll systems and any recommendations for
37 legislative action to encourage, or eliminate barriers
38 to, the provision of payroll services by the department
39 to other state agencies.

40 DIVISION X

41 MEDICATION THERAPY MANAGEMENT

42 Sec. 119. 2010 Iowa Acts, chapter 1193, section
43 166, subsections 2 and 3, are amended to read as
44 follows:

45 2. a. Prior to July 1, 2010, the department of
46 administrative services shall utilize a request for
47 proposals process to contract for the provision of
48 medication therapy management services beginning
49 July 1, 2010, and prior to July 1, 2011, shall amend
50 the contract to continue the provision of medication

1 therapy management services beginning July 1, 2011,
2 for eligible employees who meet any of the following
3 criteria:

4 (1) An individual who takes four or more
5 prescription drugs to treat or prevent two or more
6 chronic medical conditions.

7 (2) An individual with a prescription drug therapy
8 problem who is identified by the prescribing physician
9 or other appropriate prescriber, and referred to a
10 pharmacist for medication therapy management services.

11 (3) An individual who meets other criteria
12 established by the third-party payment provider
13 contract, policy, or plan.

14 ~~b. The department of administrative services shall~~
15 ~~utilize an advisory committee comprised of an equal~~
16 ~~number of physicians and pharmacists to provide advice~~
17 ~~and oversight regarding the request for proposals and~~
18 ~~evaluation processes. The department shall appoint the~~
19 ~~members of the advisory council based upon designees~~
20 ~~of the Iowa pharmacy association, the Iowa medical~~
21 ~~society, and the Iowa osteopathic medical association.~~

22 ~~e. b.~~ The contract shall require the company
23 to provide annual reports to the general assembly
24 detailing the costs, savings, estimated cost avoidance
25 and return on investment, and patient outcomes
26 related to the medication therapy management services
27 provided. The company shall guarantee demonstrated
28 annual savings, including any savings associated with
29 cost avoidance at least equal to the program's costs
30 with any shortfall amount refunded to the state. As
31 a proof of concept in the program for the period
32 beginning July 1, 2010, and ending June 30, 2011, the
33 company shall offer a dollar-for-dollar guarantee for
34 drug product costs savings alone. Prior to entering
35 into a contract with a company, the department and
36 the company shall agree on the terms, conditions,
37 and applicable measurement standards associated
38 with the demonstration of savings. The department
39 shall verify the demonstrated savings reported by
40 the company was performed in accordance with the
41 agreed upon measurement standards. The company shall
42 be prohibited from using the company's employees to
43 provide the medication therapy management services and
44 shall instead be required to contract with licensed
45 pharmacies, pharmacists, or physicians.

46 d. The fees for pharmacist-delivered medication
47 therapy management services shall be separate from
48 the reimbursement for prescription drug product or
49 dispensing services; shall be determined by each
50 third-party payment provider contract, policy, or plan;

1 and must be reasonable based on the resources and time
2 required to provide the service.

3 e. A fee shall be established for physician
4 reimbursement for services delivered for medication
5 therapy management as determined by each third-party
6 payment provider contract, policy, or plan, and must be
7 reasonable based on the resources and time required to
8 provide the service.

9 f. If any part of the medication therapy management
10 plan developed by a pharmacist incorporates services
11 which are outside the pharmacist's independent scope
12 of practice including the initiation of therapy,
13 modification of dosages, therapeutic interchange, or
14 changes in drug therapy, the express authorization
15 of the individual's physician or other appropriate
16 prescriber is required.

17 g. For the contract period beginning July 1, 2011,
18 the department shall utilize the services of the
19 college of pharmacy at a state university to validate
20 reported drug cost savings.

21 h. The results of the pilot program for the period
22 beginning July 1, 2010, and ending December 31, 2011,
23 shall be submitted to the general assembly no later
24 than March 1, 2012.

25 3. This section is repealed December 31, ~~2011~~ 2012.

26 Sec. 120. TRANSFER — MEDICATION THERAPY MANAGEMENT
27 PROGRAM. There is transferred \$510,000 from the
28 fees collected by the board of pharmacy pursuant to
29 chapter 155A and retained by the board pursuant to the
30 authority granted in section 147.82 to the department
31 of administrative services for the fiscal year
32 beginning July 1, 2011, and ending June 30, 2012, to be
33 used to be used for the medication therapy management
34 program.

35 Sec. 121. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
36 APPLICABILITY. This division of this Act, being deemed
37 of immediate importance, takes effect upon enactment,
38 and is retroactively applicable to June 15, 2011.

39 DIVISION XI

40 EARNED INCOME TAX CREDIT

41 Sec. 122. Section 422.12B, subsection 1, Code 2011,
42 is amended to read as follows:

43 1. The taxes imposed under this division less the
44 credits allowed under section 422.12 shall be reduced
45 by an earned income credit equal to ~~seven~~ ten percent
46 of the federal earned income credit provided in section
47 32 of the Internal Revenue Code. Any credit in excess
48 of the tax liability is refundable.

49 Sec. 123. RETROACTIVE APPLICABILITY. This division
50 of this Act applies retroactively to January 1, 2011,

1 for tax years beginning on or after that date.

2 DIVISION XII

3 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
4 OF GROWTH FOR EDUCATION — FY 2012-2013

5 Sec. 124. Section 257.8, subsection 1, Code 2011,
6 is amended to read as follows:

7 1. *State percent of growth.* ~~The state percent of~~
8 ~~growth for the budget year beginning July 1, 2009, is~~
9 ~~four percent.~~ The state percent of growth for the
10 budget year beginning July 1, 2010, is two percent.
11 The state percent of growth for the budget year
12 beginning July 1, 2012, is three percent. The state
13 percent of growth for each subsequent budget year shall
14 be established by statute which shall be enacted within
15 thirty days of the submission in the year preceding the
16 base year of the governor's budget under section 8.21.
17 The establishment of the state percent of growth for
18 a budget year shall be the only subject matter of the
19 bill which enacts the state percent of growth for a
20 budget year.

21 Sec. 125. Section 257.8, subsection 2, Code 2011,
22 is amended to read as follows:

23 2. *Categorical state percent of growth.* The
24 categorical state percent of growth for the budget
25 year beginning July 1, 2010, is two percent. The
26 categorical state percent of growth for the budget
27 year beginning July 1, 2012, is three percent. The
28 categorical state percent of growth for each budget
29 year shall be established by statute which shall
30 be enacted within thirty days of the submission in
31 the year preceding the base year of the governor's
32 budget under section 8.21. The establishment of the
33 categorical state percent of growth for a budget year
34 shall be the only subject matter of the bill which
35 enacts the categorical state percent of growth for a
36 budget year. The categorical state percent of growth
37 may include state percents of growth for the teacher
38 salary supplement, the professional development
39 supplement, and the early intervention supplement.

40 Sec. 126. CODE SECTION 257.8 — APPLICABILITY. The
41 requirements of section 257.8 regarding the time period
42 of enactment and the subject matter of the legislation
43 establishing the state percent of growth and the
44 categorical state percent of growth for a budget year
45 are not applicable to the division. The requirements
46 of section 257.8 regarding enactment of the regular
47 program state percent of growth and categorical state
48 percent of growth within thirty days of the submission
49 in the year preceding the base year of the governor's
50 budget and the requirements that the subject matter

1 of each bill establishing the state percent of growth
2 or the categorical state percent of growth be the
3 only subject matter of the bill do not apply to this
4 division of this Act.

5 Sec. 127. APPLICABILITY. This division of this Act
6 is applicable for computing state aid under the state
7 school foundation program for the school budget year
8 beginning July 1, 2012.

9 DIVISION XIII

10 WITHHOLDING AGREEMENTS

11 Sec. 128. Section 403.19A, subsection 1, paragraphs
12 c and f, Code 2011, are amended to read as follows:

13 c. "*Employer*" means a business creating or
14 retaining targeted jobs in an urban renewal area of a
15 pilot project city pursuant to a withholding agreement.

16 f. "*Targeted job*" means a job in a business which
17 is or will be located in an urban renewal area of a
18 pilot project city that pays a wage at least equal to
19 the countywide average wage. "*Targeted job*" includes
20 new or retained jobs from Iowa business expansions
21 or retentions within the city limits of the pilot
22 project city and those jobs resulting from established
23 out-of-state businesses, as defined by the department
24 of economic development, moving to or expanding in
25 Iowa.

26 Sec. 129. Section 403.19A, subsection 3, paragraph
27 c, subparagraph (1), Code 2011, is amended to read as
28 follows:

29 (1) The pilot project city shall enter into a
30 withholding agreement with each employer concerning
31 the targeted jobs withholding credit. The withholding
32 agreement shall provide for the total amount of
33 withholding tax credits awarded. An agreement shall
34 not provide for an amount of withholding credits that
35 exceeds the amount of the qualifying investment made in
36 the project. An agreement shall not be entered into by
37 a pilot project city with a business currently located
38 in this state unless the business either creates or
39 retains ten new jobs or makes a qualifying investment
40 of at least five hundred thousand dollars within
41 the urban renewal area. The withholding agreement
42 may have a term of up to ten years. An employer
43 shall not be obligated to enter into a withholding
44 agreement. An agreement shall not be entered into with
45 an employer not already located in a pilot project
46 city when another Iowa community is competing for the
47 same project and both the pilot project city and the
48 other Iowa community are seeking assistance from the
49 department.

50 Sec. 130. Section 403.19A, subsection 3, paragraph

1 f, Code 2011, is amended to read as follows:

2 *f.* If the employer ceases to meet the requirements
3 of the withholding agreement, the agreement shall be
4 terminated and any withholding tax credits for the
5 benefit of the employer shall cease. However, in
6 regard to the number of ~~new~~ jobs that are to be created
7 or retained, if the employer has met the number of
8 ~~new~~ jobs to be created or retained pursuant to the
9 withholding agreement and subsequently the number of
10 ~~new~~ jobs falls below the required level, the employer
11 shall not be considered as not meeting the ~~new~~ job
12 requirement until eighteen months after the date of the
13 decrease in the number of ~~new~~ jobs created or retained.

14 Sec. 131. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
15 APPLICABILITY. This division of this Act, being
16 deemed of immediate importance, takes effect upon
17 enactment and applies retroactively to July 1, 2006,
18 for agreements entered into on or after that date.

19 DIVISION XIV

20 SCHOOL EMPLOYEE MISCONDUCT

21 Sec. 132. Section 272.2, subsection 1, paragraph
22 b, Code 2011, is amended by striking the paragraph and
23 inserting in lieu thereof the following:

24 *b.* Provide annually to any person who holds a
25 license, certificate, authorization, or statement of
26 recognition issued by the board, training relating
27 to the knowledge and understanding of the board's
28 code of professional conduct and ethics. The board
29 shall develop a curriculum that addresses the code of
30 professional conduct and ethics and shall annually
31 provide regional training opportunities throughout the
32 state.

33 Sec. 133. Section 272.15, subsection 1, Code 2011,
34 is amended to read as follows:

35 1. *a.* The board of directors of a school district
36 or area education agency, the superintendent of a
37 school district or the chief administrator of an
38 area education agency, and the authorities in charge
39 of a nonpublic school shall report to the board the
40 nonrenewal or termination, for reasons of alleged or
41 actual misconduct, of a person's contract executed
42 under sections 279.12, 279.13, 279.15 through 279.21,
43 279.23, and 279.24, and the resignation of a person
44 who holds a license, certificate, or authorization
45 issued by the board as a result of or following an
46 incident or allegation of misconduct that, if proven,
47 would constitute a violation of the rules adopted by
48 the board to implement section 272.2, subsection 14,
49 paragraph "b", subparagraph (1), when the board or
50 reporting official has a good faith belief that the

1 incident occurred or the allegation is true. The
2 board may deny a license or revoke the license of an
3 administrator if the board finds by a preponderance
4 of the evidence that the administrator failed to
5 report the termination or resignation of a school
6 employee holding a license, certificate, statement of
7 professional recognition, or coaching authorization,
8 for reasons of alleged or actual misconduct, as defined
9 by this section.

10 b. Information reported to the board in accordance
11 with this section is privileged and confidential, and
12 except as provided in section 272.13, is not subject to
13 discovery, subpoena, or other means of legal compulsion
14 for its release to a person other than the respondent
15 and the board and its employees and agents involved in
16 licensee discipline, and is not admissible in evidence
17 in a judicial or administrative proceeding other
18 than the proceeding involving licensee discipline.
19 The board shall review the information reported to
20 determine whether a complaint should be initiated. In
21 making that determination, the board shall consider the
22 factors enumerated in section 272.2, subsection 14,
23 paragraph "a".

24 c. For purposes of this section, unless the context
25 otherwise requires, "misconduct" means an action
26 disqualifying an applicant for a license or causing
27 the license of a person to be revoked or suspended
28 in accordance with the rules adopted by the board to
29 implement section 272.2, subsection 14, paragraph "b",
30 subparagraph (1).

31 Sec. 134. Section 280.17, Code 2011, is amended to
32 read as follows:

33 **280.17 Procedures for handling child abuse reports.**

34 1. The board of directors of a ~~public~~ school
35 district and the authorities in ~~control~~ charge of
36 a nonpublic school shall prescribe procedures, in
37 accordance with the guidelines contained in the model
38 policy developed by the department of education in
39 consultation with the department of human services,
40 and adopted by the department of education pursuant
41 to chapter 17A, for the handling of reports of child
42 abuse, as defined in section 232.68, subsection 2,
43 paragraph "a", "c", or "e", alleged to have been
44 committed by an employee or agent of the public or
45 nonpublic school.

46 2. a. The board of directors of a school district
47 and the authorities in charge of an accredited
48 nonpublic school shall place on administrative leave a
49 school employee who is the subject of an investigation
50 of an alleged incident of abuse of a student conducted

1 in accordance with 281 IAC 102.

2 b. If the results of an investigation of abuse of
3 a student by a school employee who holds a license,
4 certificate, authorization, or statement of recognition
5 issued by the board of educational examiners finds
6 that the school employee's conduct constitutes a crime
7 under any other statute, the board or the authorities,
8 as appropriate, shall report the results of the
9 investigation to the board of educational examiners.

10 Sec. 135. Section 280.27, Code 2011, is amended to
11 read as follows:

12 **280.27 Reporting violence — immunity.**

13 An employee of a school district, an accredited
14 nonpublic school, or an area education agency who
15 participates in good faith and acts reasonably in
16 the making of a report to, or investigation by, an
17 appropriate person or agency regarding violence,
18 threats of violence, physical or sexual abuse of a
19 student, or other inappropriate activity against a
20 school employee or student in a school building, on
21 school grounds, or at a school-sponsored function shall
22 be immune from civil or criminal liability relating
23 to such action, as well as for participating in any
24 administrative or judicial proceeding resulting from or
25 relating to the report or investigation.

26 DIVISION XV

27 STATE FAIR AUTHORITY

28 Sec. 136. Section 173.1, subsection 4, Code 2011,
29 is amended to read as follows:

30 4. A treasurer to be elected by the board ~~who shall~~
31 ~~serve as a nonvoting member from the elected directors.~~

32 Sec. 137. REPEAL. Section 173.12, Code 2011, is
33 repealed.

34 DIVISION XVI

35 CONTROLLED SUBSTANCES

36 Sec. 138. CONTROLLED SUBSTANCE COLLECTION AND
37 DISPOSAL PROGRAM. A person in possession of or a
38 retailer selling a controlled substance designated
39 in section 124.204, subsection 4, paragraph "ai",
40 subparagraphs (1) through (4), if enacted, shall
41 be required to transfer such controlled substance
42 to the department of public safety for destruction.
43 The department of public safety shall establish a
44 controlled substance collection and disposal program
45 for a controlled substance designated in section
46 124.204, subsection 4, paragraph "ai", subparagraphs
47 (1) through (4). The department of public safety
48 may partner with a third party, including a local
49 enforcement agency, to implement and administer the
50 program. The program shall be dissolved thirty days

1 after the enactment date of section 124.204, subsection
2 4, paragraph "ai", subparagraphs (1) through (4).

3 Sec. 139. APPLICABILITY — CRIMINAL
4 PENALTIES. Criminal penalties do not apply to
5 violations associated with the substances designated
6 controlled substances in section 124.204, subsection
7 4, paragraph "ai", subparagraphs (1) through (4), if
8 enacted, until thirty days after the enactment date
9 of section 124.204, subsection 4, paragraph "ai",
10 subparagraphs (1) through (4).

11 Sec. 140. 2011 Iowa Acts, Senate File 510, section
12 28, if enacted, is amended to read as follows:

13 SEC. 28. EFFECTIVE DATE. The following provision
14 of this division of this Act takes effect thirty days
15 after enactment, ~~notwithstanding section 3.7 of this~~
16 Act or thirty days after the enactment of 2011 Iowa
17 Acts, Senate File 538, if enacted, whichever is later:

18 The section of this division of this Act amending
19 enacting section 124.204, subsection 4, paragraph "ai",
20 subparagraphs (1) through (4).

21 Sec. 141. 2011 Iowa Acts, Senate File 510, section
22 29, if enacted, is amended to read as follows:

23 SEC. 29. EFFECTIVE UPON ENACTMENT. The following
24 provision of this division of this Act, being deemed
25 of immediate importance, ~~and notwithstanding section~~
26 3.7 takes effect upon enactment of this Act or upon
27 enactment of 2011 Iowa Acts, Senate File 538, if
28 enacted, whichever is later:

29 The section of this Act amending enacting section
30 124.204, subsection 4, paragraph "ai", subparagraph
31 (5).

32 Sec. 142. EFFECTIVE UPON ENACTMENT. This division
33 of this Act, being deemed of immediate importance,
34 takes effect upon enactment of this Act or upon the
35 enactment of 2011 Iowa Acts, Senate File 510, if
36 enacted, whichever is later.

37 DIVISION XVII

38 RADIOS

39 Sec. 143. 2011 Iowa Acts, Senate File 509, section
40 22, subsections 2 and 3, if enacted, are amended to
41 read as follows:

42 ~~2. Of the amount appropriated in subsection 1,~~
43 ~~the department of natural resources may enter into~~
44 ~~a public-private partnership, through a competitive~~
45 ~~bidding process, for the provision of the statewide~~
46 ~~network and the purchase of compatible equipment. The~~
47 mobile radios purchased by the department pursuant
48 to subsection 1 shall be compatible with a statewide
49 public safety radio network created pursuant to
50 legislation enacted by the 2011 session of the general

1 assembly. The department shall purchase the mobile
2 radios after conducting a competitive bidding process.
3 3. On or before January 13, 2012, the department of
4 natural resources in cooperation with the department of
5 public safety shall provide a report to the legislative
6 services agency and the department of management.
7 The report shall detail the status of the moneys
8 appropriated in subsection 1 and shall include the
9 estimated needs of the department of natural resources
10 to achieve interoperability and to meet the federal
11 narrowbanding mandate, and any changes in estimated
12 costs to meet those needs, and the status of requests
13 for proposals to develop a public-private partnership.
14 Sec. 144. EFFECTIVE UPON ENACTMENT. This division
15 of this Act, being deemed of immediate importance,
16 takes effect upon enactment and, if approved by
17 the governor on or after July 1, 2011, shall apply
18 retroactively to June 30, 2011.

19 DIVISION XVIII

20 BUSINESS PROPERTY TAX CREDITS

21 Sec. 145. Section 331.512, Code 2011, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 13A. Carry out duties relating to
24 the business property tax credit as provided in chapter
25 426C.

26 Sec. 146. Section 331.559, Code 2011, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 14A. Carry out duties relating to
29 the business property tax credit as provided in chapter
30 426C.

31 Sec. 147. NEW SECTION. 426C.1 Definitions.

32 1. For the purposes of this chapter, unless the
33 context otherwise requires:

34 a. "Contiguous parcels" means any of the following:

35 (1) Parcels that share one or more common
36 boundaries.

37 (2) Parcels within the same building or structure
38 regardless of whether the parcels share one or more
39 common boundaries.

40 (3) Improvements to the land that are situated on
41 one or more parcels of land that are assessed and taxed
42 separately from the improvements if the parcels of land
43 upon which the improvements are situated share one or
44 more common boundaries.

45 b. "Department" means the department of revenue.

46 c. "Fund" means the business property tax credit
47 fund created in section 426C.2.

48 d. "Parcel" means as defined in section 445.1.

49 e. "Property unit" means contiguous parcels all of
50 which are located within the same county, with the same

1 property tax classification, each of which contains
2 permanent improvements, are owned by the same person,
3 and are operated by that person for a common use and
4 purpose.

5 2. For purposes of this chapter, two or more
6 parcels are considered to be owned by the same person
7 if the owners of the parcels are business entities that
8 share common ownership of each entity in an amount
9 equal to or in excess of fifty percent.

10 **Sec. 148. NEW SECTION. 426C.2 Business property**
11 **tax credit fund — appropriation.**

12 1. A business property tax credit fund is created
13 in the state treasury under the authority of the
14 department. For the fiscal year beginning July 1,
15 2012, there is appropriated from the general fund of
16 the state to the department to be credited to the
17 fund, the sum of fifty million dollars to be used
18 for business property tax credits authorized in this
19 chapter. For the fiscal year beginning July 1, 2013,
20 and each fiscal year thereafter, there is appropriated
21 from the general fund of the state to the department
22 to be credited to the fund an amount equal to the
23 total amount appropriated by the general assembly to
24 the fund in the previous fiscal year. In addition,
25 the sum of fifty million dollars shall be added to the
26 appropriation in each fiscal year beginning on or after
27 July 1, 2013, if the revenue estimating conference
28 certifies during its final meeting of the calendar year
29 ending prior to the beginning of the fiscal year that
30 the total amount of general fund revenues collected
31 during the fiscal year ending during such calendar year
32 was at least one hundred four percent of the total
33 amount of general fund revenues collected during the
34 previous fiscal year. However, the total appropriation
35 to the fund shall not exceed two hundred million
36 dollars for any one fiscal year.

37 2. Notwithstanding section 12C.7, subsection 2,
38 interest or earnings on moneys deposited in the fund
39 shall be credited to the fund. Moneys in the fund are
40 not subject to the provisions of section 8.33 and shall
41 not be transferred, used, obligated, appropriated,
42 or otherwise encumbered except as provided in this
43 chapter.

44 **Sec. 149. NEW SECTION. 426C.3 Claims for credit.**

45 1. Each person who wishes to claim the credit
46 allowed under this chapter shall obtain the appropriate
47 forms from the assessor and file the claim with the
48 assessor. The director of revenue shall prescribe
49 suitable forms and instructions for such claims, and
50 make such forms and instructions available to the

1 assessors.

2 2. a. Claims for the business property tax credit
3 shall be filed not later than March 15 preceding the
4 fiscal year during which the taxes for which the credit
5 is claimed are due and payable.

6 b. A claim filed after the deadline for filing
7 claims shall be considered as a claim for the following
8 year.

9 3. Upon the filing of a claim and allowance of the
10 credit, the credit shall be allowed on the parcel or
11 property unit for successive years without further
12 filing as long as the parcel or property unit satisfies
13 the requirements for the credit. If the parcel or
14 property unit owner ceases to qualify for the credit
15 under this chapter, the owner shall provide written
16 notice to the assessor by the date for filing claims
17 specified in subsection 2 following the date on which
18 the parcel or property unit ceases to qualify for the
19 credit.

20 4. When all or a portion of a parcel or property
21 unit that is allowed a credit under this chapter is
22 sold, transferred, or ownership otherwise changes, the
23 buyer, transferee, or new owner who wishes to receive
24 the credit shall refile the claim for credit. When a
25 portion of a parcel or property unit that is allowed
26 a credit under this chapter is sold, transferred, or
27 ownership otherwise changes, the owner of the portion
28 of the parcel or property unit for which ownership did
29 not change shall refile the claim for credit.

30 5. The assessor shall remit the claims for
31 credit to the county auditor with the assessor's
32 recommendation for allowance or disallowance. If
33 the assessor recommends disallowance of a claim,
34 the assessor shall submit the reasons for the
35 recommendation, in writing, to the county auditor. The
36 county auditor shall forward the claims to the board
37 of supervisors. The board shall allow or disallow the
38 claims.

39 6. For each claim and allowance of a credit for
40 a property unit, the county auditor shall calculate
41 the average of all consolidated levy rates applicable
42 to the several parcels within the property unit. All
43 claims for credit which have been allowed by the board
44 of supervisors, the actual value of the improvements
45 to such parcels and property units applicable to
46 the fiscal year for which the credit is claimed
47 that are subject to assessment and taxation prior to
48 imposition of any applicable assessment limitation,
49 the consolidated levy rates for such parcels and the
50 average consolidated levy rates for such property units

1 applicable to the fiscal year for which the credit is
2 claimed, and the taxing districts in which the parcel
3 or property unit is located, shall be certified on or
4 before June 15, in each year, by the county auditor to
5 the department.

6 7. The assessor shall maintain a permanent file of
7 current business property tax credits. The assessor
8 shall file a notice of transfer of property for which a
9 credit has been allowed when notice is received from
10 the office of the county recorder, from the person
11 who sold or transferred the property, or from the
12 personal representative of a deceased property owner.
13 The county recorder shall give notice to the assessor
14 of each transfer of title filed in the recorder's
15 office. The notice from the county recorder shall
16 describe the property transferred, the name of the
17 person transferring title to the property, and the name
18 of the person to whom title to the property has been
19 transferred.

20 Sec. 150. NEW SECTION. 426C.4 Eligibility and
21 amount of credit.

22 1. Each parcel classified and taxed as commercial
23 property, industrial property, or railway property
24 under chapter 434, and improved with permanent
25 construction, is eligible for a credit under this
26 chapter. A person may claim and receive one credit
27 under this chapter for each eligible parcel unless
28 the parcel is part of a property unit. A person
29 may only claim and receive one credit under this
30 chapter for each property unit. A credit approved
31 for a property unit shall be allocated to the several
32 parcels within the property unit in the proportion
33 that each parcel's total amount of property taxes due
34 and payable attributable to the improvements bears to
35 the total amount of property taxes due and payable
36 attributable to the improvements for the property unit.
37 Only property units comprised of commercial property,
38 comprised of industrial property, or comprised of
39 railway property under chapter 434 are eligible for a
40 credit under this chapter.

41 2. Using the actual value of the improvements and
42 the consolidated levy rate for each parcel or the
43 average consolidated levy rate for each property unit,
44 as certified by the county auditor to the department
45 under section 426C.3, subsection 6, the department
46 shall calculate, for each fiscal year, an initial
47 amount of actual value of improvements for use in
48 determining the amount of the credit for each such
49 parcel or property unit so as to provide the maximum
50 possible credit according to the credit formula and

1 limitations under subsection 3, and to provide a
2 total dollar amount of credits against the taxes due
3 and payable in the fiscal year equal to ninety-eight
4 percent of the moneys in the fund following the deposit
5 of the total appropriation for the fiscal year.

6 3. a. The amount of the credit for each parcel or
7 property unit for which a claim for credit under this
8 chapter has been approved shall be calculated under
9 paragraph "b" using the lesser of the initial amount
10 of actual value of the improvements determined by the
11 department under subsection 2, and the actual value
12 of the improvements to the parcel or property unit as
13 certified by the county auditor under section 426C.3,
14 subsection 6.

15 b. The amount of the credit for each parcel or
16 property unit for which a claim for credit under
17 this chapter has been approved shall be equal to the
18 amount of actual value determined under paragraph "a"
19 multiplied by the difference, stated as a percentage,
20 between the assessment limitation applicable to
21 the parcel or property unit under section 441.21,
22 subsection 5, and the assessment limitation applicable
23 to residential property under section 441.21,
24 subsection 4, divided by one thousand dollars, and then
25 multiplied by the consolidated levy rate or average
26 consolidated levy rate per one thousand dollars of
27 taxable value applicable to the parcel or property unit
28 for the fiscal year for which the credit is claimed as
29 certified by the county auditor under section 426C.3,
30 subsection 6.

31 **Sec. 151. NEW SECTION. 426C.5 Payment to counties.**

32 1. Annually the department shall certify to the
33 county auditor of each county the amounts of the
34 business property tax credits allowed in the county.
35 Each county auditor shall then enter the credits
36 against the tax levied on each eligible parcel or
37 property unit in the county, designating on the tax
38 lists the credit as being from the fund. Each taxing
39 district shall receive its share of the business
40 property tax credit allowed on each eligible parcel
41 or property unit in such taxing district, in the
42 proportion that the levy made by such taxing district
43 upon the parcel or property unit bears to the total
44 levy upon the parcel or property unit by all taxing
45 districts imposing a property tax in such taxing
46 district. However, the several taxing districts
47 shall not draw the moneys so credited until after the
48 semiannual allocations have been received by the county
49 treasurer, as provided in this section. Each county
50 treasurer shall show on each tax receipt the amount of

1 credit received from the fund.

2 2. The director of the department of administrative
3 services shall issue warrants on the fund payable to
4 the county treasurers of the several counties of the
5 state under this chapter.

6 3. The amount due each county shall be paid in two
7 payments on November 15 and March 15 of each fiscal
8 year, drawn upon warrants payable to the respective
9 county treasurers. The two payments shall be as nearly
10 equal as possible.

11 **Sec. 152. NEW SECTION. 426C.6 Appeals.**

12 1. If the board of supervisors disallows a claim
13 for credit under section 426C.3, subsection 5, the
14 board of supervisors shall send written notice, by
15 mail, to the claimant at the claimant's last known
16 address. The notice shall state the reasons for
17 disallowing the claim for the credit. The board of
18 supervisors is not required to send notice that a claim
19 for credit is disallowed if the claimant voluntarily
20 withdraws the claim. Any person whose claim is denied
21 under the provisions of this chapter may appeal from
22 the action of the board of supervisors to the district
23 court of the county in which the parcel or property
24 unit is located by giving written notice of such appeal
25 to the county auditor within twenty days from the date
26 of mailing of notice of such action by the board of
27 supervisors.

28 2. If any claim for credit has been denied by the
29 board of supervisors, and such action is subsequently
30 reversed on appeal, the credit shall be allowed on the
31 applicable parcel or property unit, and the director of
32 revenue, the county auditor, and the county treasurer
33 shall provide the credit and change their books and
34 records accordingly. In the event the appealing
35 taxpayer has paid one or both of the installments of
36 the tax payable in the year or years in question,
37 remittance shall be made to such taxpayer of the amount
38 of such credit. The amount of such credit awarded on
39 appeal shall be allocated and paid from the balance
40 remaining in the fund.

41 **Sec. 153. NEW SECTION. 426C.7 Audit — denial.**

42 1. If on the audit of a credit provided under this
43 chapter, the director of revenue determines the amount
44 of the credit to have been incorrectly calculated or
45 that the credit is not allowable, the director shall
46 recalculate the credit and notify the taxpayer and the
47 county auditor of the recalculation or denial and the
48 reasons for it. The director shall not adjust a credit
49 after three years from October 31 of the year in which
50 the claim for the credit was filed. If the credit has

1 been paid, the director shall give notification to the
2 taxpayer, the county treasurer, and the applicable
3 assessor of the recalculation or denial of the credit
4 and the county treasurer shall proceed to collect the
5 tax owed in the same manner as other property taxes due
6 and payable are collected, if the parcel or property
7 unit for which the credit was allowed is still owned
8 by the taxpayer. If the parcel or property unit
9 for which the credit was allowed is not owned by the
10 taxpayer, the amount may be recovered from the taxpayer
11 by assessment in the same manner that income taxes are
12 assessed under sections 422.26 and 422.30. The amount
13 of such erroneous credit, when collected, shall be
14 deposited in the fund.

15 2. The taxpayer or board of supervisors may
16 appeal any decision of the director of revenue to the
17 state board of tax review pursuant to section 421.1,
18 subsection 5. The taxpayer, the board of supervisors,
19 or the director of revenue may seek judicial review
20 of the action of the state board of tax review in
21 accordance with chapter 17A.

22 **Sec. 154. NEW SECTION. 426C.8 False claim —**
23 **penalty.**

24 A person who makes a false claim for the purpose of
25 obtaining a credit provided for in this chapter or who
26 knowingly receives the credit without being legally
27 entitled to it is guilty of a fraudulent practice. The
28 claim for a credit of such a person shall be disallowed
29 and if the credit has been paid the amount shall be
30 recovered in the manner provided in section 426C.7. In
31 such cases, the director of revenue shall send a notice
32 of disallowance of the credit.

33 **Sec. 155. NEW SECTION. 426C.9 Rules.**

34 The director of revenue shall prescribe forms,
35 instructions, and rules pursuant to chapter 17A, as
36 necessary, to carry out the purposes of this chapter.

37 **Sec. 156. IMPLEMENTATION.** Notwithstanding the
38 deadline for filing claims established in section
39 426C.3, for a credit against property taxes due and
40 payable during the fiscal year beginning July 1, 2012,
41 the claim for the credit shall be filed not later than
42 January 15, 2012.

43 **Sec. 157. APPLICABILITY.** This division of this Act
44 applies to property taxes due and payable in fiscal
45 years beginning on or after July 1, 2012.

DIVISION XIX

COUNTY AND CITY BUDGET LIMITATION

48 **Sec. 158.** Section 28M.5, subsection 2, Code 2011,
49 is amended to read as follows:

50 2. If a regional transit district budget allocates

1 revenue responsibilities to the board of supervisors
2 of a participating county, the amount of the regional
3 transit district levy that is the responsibility of the
4 participating county shall be deducted from the maximum
5 ~~rates~~ amount of taxes authorized to be levied by the
6 county pursuant to section 331.423, subsections 1 and
7 2 subsection 3, paragraphs "b" and "c", as applicable,
8 unless the county meets its revenue responsibilities as
9 allocated in the budget from other available revenue
10 sources. However, for a regional transit district
11 that includes a county with a population of less than
12 three hundred thousand, the amount of the regional
13 transit district levy that is the responsibility of
14 such participating county shall be deducted from the
15 maximum rate amount of taxes authorized to be levied
16 by the county pursuant to section 331.423, subsection
17 3, paragraph "b".

18 Sec. 159. Section 331.263, subsection 2, Code 2011,
19 is amended to read as follows:

20 2. The governing body of the community commonwealth
21 shall have the authority to levy county taxes and shall
22 have the authority to levy city taxes to the extent the
23 city tax levy authority is transferred by the charter
24 to the community commonwealth. A city participating
25 in the community commonwealth shall transfer a portion
26 of the city's tax levy authorized under section 384.1
27 or 384.12, whichever is applicable, to the governing
28 body of the community commonwealth. The maximum
29 ~~rates~~ amount of taxes authorized to be levied under
30 sections section 384.1 and the maximum amount of taxes
31 authorized to be levied under section 384.12 by a city
32 participating in the community commonwealth shall be
33 reduced by an amount equal to the rates of the same or
34 similar taxes levied in the city by the governing body
35 of the community commonwealth.

36 Sec. 160. Section 331.421, Code 2011, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 7A. "Item" means a budgeted
39 expenditure, appropriation, or cash reserve from a
40 fund for a service area, program, program element, or
41 purpose.

42 Sec. 161. Section 331.423, Code 2011, is amended by
43 striking the section and inserting in lieu thereof the
44 following:

45 **331.423 Property tax dollars — basic levy maximums.**

46 1. Annually, the board shall determine separate
47 property tax levy limits to pay for general county
48 services and rural county services in accordance with
49 this section. The basic levies separately certified
50 for general county services and rural county services

1 under section 331.434 shall not raise property tax
2 dollars that exceed the amount determined under this
3 section.

4 2. For purposes of this section and section
5 331.423B, unless the context otherwise requires:

6 a. "*Annual growth factor*" means an index, expressed
7 as a percentage, determined by the department of
8 management by November 1 of the calendar year preceding
9 the calendar year in which the budget year begins. In
10 determining the annual growth factor, the department
11 shall calculate the average of the preceding three-year
12 percentage change, which shall be computed on an annual
13 basis, in the midwest consumer price index, ending
14 with the percentage change for the month of September.
15 The department shall then add that average percentage
16 change to one hundred percent.

17 b. "*Boundary adjustment*" means annexation,
18 severance, incorporation, or discontinuance as those
19 terms are defined in section 368.1.

20 c. "*Budget year*" is the fiscal year beginning
21 during the calendar year in which a budget is
22 certified.

23 d. "*Current fiscal year*" is the fiscal year
24 ending during the calendar year in which a budget is
25 certified.

26 e. "*Net new valuation taxes*" means the amount
27 of property tax dollars equal to the current fiscal
28 year's basic levy rate in the county for general county
29 services or for rural county services, as applicable,
30 multiplied by the increase from the current fiscal year
31 to the budget year in taxable valuation due to the
32 following:

33 (1) Net new construction, including all incremental
34 valuation that is released in any one year from a
35 division of revenue under section 260E.4 or an urban
36 renewal area for which taxes were being divided under
37 section 403.19, regardless of whether the property
38 for the valuation being released remains subject
39 to the division of revenue under section 260E.4 or
40 remains part of the urban renewal area that is subject
41 to a division of revenue under section 403.19. The
42 amount of property tax dollars attributable to such
43 incremental valuation being released from a division
44 of revenue shall be subtracted from the maximum amount
45 of property tax dollars which may be certified for
46 the next following fiscal year if such incremental
47 valuation is not released for the next following fiscal
48 year.

49 (2) Additions or improvements to existing
50 structures.

1 (3) Remodeling of existing structures for which a
2 building permit is required.

3 (4) Net boundary adjustment.

4 (5) A municipality no longer dividing tax revenues
5 in an urban renewal area as provided in section 403.19
6 or a community college no longer dividing revenues as
7 provided in section 260E.4.

8 (6) That portion of taxable property located in an
9 urban revitalization area on which an exemption was
10 allowed and such exemption has expired.

11 *f. "Unfunded federal and state mandate cost growth"*
12 means an amount of increased expenditures for a
13 county from the previous fiscal year, to the extent
14 such expenditures are not funded by the county's
15 supplemental levy under section 331.424, resulting from
16 any of the following:

17 (1) A federal statutory requirement or
18 appropriation that requires the county to establish,
19 expand, or modify its activities in a manner which
20 necessitates additional annual expenditures and for
21 which insufficient funding is provided to the county to
22 satisfy such requirements.

23 (2) A state mandate as defined in section 25B.3,
24 and for which insufficient funding is provided to
25 the county to satisfy the requirements of the state
26 mandate.

27 3. *a.* For the fiscal year beginning July 1, 2013,
28 and subsequent fiscal years, the maximum amount of
29 property tax dollars which may be certified for levy by
30 a county for general county services and rural county
31 services shall be the maximum property tax dollars
32 calculated under paragraphs "b" and "c", respectively.

33 *b.* The maximum property tax dollars that may be
34 levied for general county services is an amount equal
35 to the sum of the following:

36 (1) The annual growth factor times the current
37 fiscal year's maximum property tax dollars for general
38 county services.

39 (2) The amount of net new valuation taxes in the
40 county.

41 (3) The unfunded federal and state mandate cost
42 growth minus the amount specified in paragraph "c",
43 subparagraph (3).

44 *c.* The maximum property tax dollars that may be
45 levied for rural county services is an amount equal to
46 the sum of the following:

47 (1) The annual growth factor times the current
48 fiscal year's maximum property tax dollars for rural
49 county services.

50 (2) The amount of net new valuation taxes in the

1 unincorporated area of the county.

2 (3) The unfunded federal and state mandate cost
3 growth attributable to the costs incurred by the county
4 for rural county services.

5 4. a. For purposes of calculating maximum property
6 tax dollars for general county services for the fiscal
7 year beginning July 1, 2013, only, the term "*current*
8 *fiscal year's maximum property tax dollars*" shall mean
9 the total amount of property tax dollars certified by
10 the county for general county services for the fiscal
11 year beginning July 1, 2012, excluding those property
12 tax dollars that resulted from a supplemental levy
13 under section 331.424, subsection 1.

14 b. For purposes of calculating maximum property tax
15 dollars for rural county services for the fiscal year
16 beginning July 1, 2013, only, the term "*current fiscal*
17 *year's maximum property tax dollars*" shall mean the
18 total amount of property tax dollars certified by the
19 county for rural county services for the fiscal year
20 beginning July 1, 2012, excluding those property tax
21 dollars that resulted from a supplemental levy under
22 section 331.424, subsection 2.

23 5. Property taxes certified under section
24 331.424, property taxes certified for deposit in the
25 mental health, mental retardation, and developmental
26 disabilities services fund in section 331.424A, for the
27 emergency services fund in section 331.424C, for the
28 debt service fund in section 331.430, for any capital
29 projects fund established by the county for deposit of
30 bond, loan, or note proceeds, and for any temporary
31 increase approved pursuant to section 331.423C, are
32 not included in the maximum amount of property tax
33 dollars that may be certified for a budget year under
34 subsection 3.

35 6. The department of management, in consultation
36 with the county finance committee, shall adopt rules
37 to administer this section. The department shall
38 prescribe forms to be used by counties when making
39 calculations required by this section.

40 **Sec. 162. NEW SECTION. 331.423B Ending fund**
41 **balance.**

42 1. a. Budgeted ending fund balances for a budget
43 year in excess of twenty-five percent of budgeted
44 expenditures in either the general fund or rural
45 services fund for that budget year shall be explicitly
46 committed or assigned for a specific purpose.

47 b. A county is encouraged, but not required, to
48 reduce budgeted, uncommitted, or unassigned ending
49 fund balances for the budget year to an amount equal
50 to approximately twenty-five percent of budgeted

1 expenditures and transfers from the general fund
2 and rural services fund for that budget year unless
3 a decision is certified by the state appeal board
4 ordering a reduction in the ending fund balance of any
5 of those funds.

6 c. In a protest to the county budget under section
7 331.436, the county shall have the burden of proving
8 that the budgeted balances in excess of twenty-five
9 percent are reasonably likely to be appropriated for
10 the explicitly committed or assigned specific purpose.
11 The excess budgeted balance for the specific purpose
12 shall be considered an increase in an item in the
13 budget for purposes of section 24.28.

14 2. a. For a county that has, as of June 30, 2012,
15 reduced its actual ending fund balance to less than
16 twenty-five percent of actual expenditures, additional
17 property taxes may be computed and levied as provided
18 in this subsection. The additional property tax levy
19 amount is an amount not to exceed twenty-five percent
20 of actual expenditures from the general fund and rural
21 services fund for the fiscal year beginning July 1,
22 2011, minus the combined ending fund balances for those
23 funds for that year.

24 b. The amount of the additional property taxes
25 shall be apportioned between the general fund and the
26 rural services fund. However, the amount apportioned
27 for general county services and for rural county
28 services shall not exceed for each fund twenty-five
29 percent of actual expenditures for the fiscal year
30 beginning July 1, 2011.

31 c. All or a portion of additional property tax
32 dollars may be levied for the purpose of increasing
33 cash reserves for general county services and rural
34 county services in the budget year. The additional
35 property tax dollars authorized under this subsection
36 but not levied may be carried forward as unused ending
37 fund balance taxing authority until and for the fiscal
38 year beginning July 1, 2018. The amount carried
39 forward shall not exceed twenty-five percent of the
40 maximum amount of property tax dollars available in
41 the current fiscal year. Additionally, property taxes
42 that are levied as unused ending fund balance taxing
43 authority under this subsection may be the subject of
44 a protest under section 331.436, and the amount will
45 be considered an increase in an item in the budget for
46 purposes of section 24.28. The amount of additional
47 property taxes levied under this subsection shall not
48 be included in the computation of the maximum amount of
49 property tax dollars which may be certified and levied
50 under section 331.423.

1 Sec. 163. NEW SECTION. 331.423C Authority to levy
2 beyond maximum property tax dollars.

3 1. The board may certify additions to the maximum
4 amount of property tax dollars to be levied for a
5 budget year if the county conducts a second public
6 hearing prior to certification of the budget to the
7 county auditor, in addition to the hearing held as
8 required under section 331.434. The second public
9 hearing shall be conducted in the same manner as
10 the public hearing on the budget required in section
11 331.434.

12 2. The amount of additional property tax dollars
13 certified under this section shall not be included in
14 the computation of the maximum amount of property tax
15 dollars which may be certified and levied under section
16 331.423 for future budget years.

17 Sec. 164. Section 331.424, unnumbered paragraph 1,
18 Code 2011, is amended to read as follows:

19 To the extent that the basic levies authorized under
20 section 331.423 are insufficient to meet the county's
21 needs for the following services, the board may certify
22 supplemental levies as follows:

23 Sec. 165. Section 331.424A, subsection 4, Code
24 2011, is amended to read as follows:

25 4. For the fiscal year beginning July 1, 1996,
26 and for each subsequent fiscal year, the county shall
27 certify a levy for payment of services. For each
28 fiscal year, county revenues from taxes imposed by the
29 county credited to the services fund shall not exceed
30 an amount equal to the amount of base year expenditures
31 for services as defined in section 331.438, less the
32 amount of property tax relief to be received pursuant
33 to section 426B.2, in the fiscal year for which the
34 budget is certified. The county auditor and the
35 board of supervisors shall reduce the amount of the
36 levy certified for the services fund by the amount of
37 property tax relief to be received. A levy certified
38 under this section is not subject to ~~the appeal~~
39 ~~provisions of section 331.426 or to any other provision~~
40 in law authorizing a county to exceed, increase, or
41 appeal a property tax levy limit.

42 Sec. 166. Section 331.434, subsection 1, Code 2011,
43 is amended to read as follows:

44 1. The budget shall show the amount required for
45 each class of proposed expenditures, a comparison of
46 the amounts proposed to be expended with the amounts
47 expended for like purposes for the two preceding years,
48 the revenues from sources other than property taxation,
49 and the amount to be raised by property taxation, in
50 the detail and form prescribed by the director of the

1 department of management. For each county that has
2 established an urban renewal area, the budget shall
3 include estimated and actual tax increment financing
4 revenues and all estimated and actual expenditures of
5 the revenues, proceeds from debt and all estimated
6 and actual expenditures of the debt proceeds, and
7 identification of any entity receiving a direct payment
8 of taxes funded by tax increment financing revenues
9 and shall include the total amount of loans, advances,
10 indebtedness, or bonds outstanding at the close of
11 the most recently ended fiscal year, which qualify
12 for payment from the special fund created in section
13 403.19, including interest negotiated on such loans,
14 advances, indebtedness, or bonds. For purposes of this
15 subsection, "indebtedness" includes written agreements
16 whereby the county agrees to suspend, abate, exempt,
17 rebate, refund, or reimburse property taxes, provide a
18 grant for property taxes paid, or make a direct payment
19 of taxes, with moneys in the special fund. The amount
20 of loans, advances, indebtedness, or bonds shall be
21 listed in the aggregate for each county reporting. The
22 ~~county finance committee, in consultation with the~~
23 ~~department of management and the legislative services~~
24 ~~agency, shall determine reporting criteria and shall~~
25 ~~prepare a form for reports filed with the department~~
26 ~~pursuant to this section. The department shall make~~
27 ~~the information available by electronic means.~~

28 Sec. 167. Section 373.10, Code 2011, is amended to
29 read as follows:

30 **373.10 Taxing authority.**

31 The metropolitan council shall have the authority
32 to levy city taxes to the extent the city tax levy
33 authority is transferred by the charter to the
34 metropolitan council. A member city shall transfer
35 a portion of the city's tax levy authorized under
36 section 384.1 or 384.12, whichever is applicable, to
37 the metropolitan council. The maximum ~~rates~~ amount of
38 taxes authorized to be levied under ~~sections~~ section
39 384.1 and the taxes authorized to be levied under
40 section 384.12 by a member city shall be reduced by an
41 amount equal to the rates of the same or similar taxes
42 levied in the city by the metropolitan council.

43 Sec. 168. Section 384.1, Code 2011, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 **384.1 Property tax dollars — maximums.**

47 1. A city shall certify taxes to be levied by the
48 city on all taxable property within the city limits,
49 for all city government purposes. Annually, the city
50 council may certify basic levies for city government

1 purposes, subject to the limitation on property tax
2 dollars provided in this section.

3 2. For purposes of this section and section 384.1B,
4 unless the context otherwise requires:

5 a. "Annual growth factor" means an index, expressed
6 as a percentage, determined by the department of
7 management by November 1 of the calendar year preceding
8 the calendar year in which the budget year begins. In
9 determining the annual growth factor, the department
10 shall calculate the average of the preceding three-year
11 percentage change, which shall be computed on an annual
12 basis, in the midwest consumer price index, ending
13 with the percentage change for the month of September.
14 The department shall then add that average percentage
15 change to one hundred percent.

16 b. "Boundary adjustment" means annexation,
17 severance, incorporation, or discontinuance as those
18 terms are defined in section 368.1.

19 c. "Budget year" is the fiscal year beginning
20 during the calendar year in which a budget is
21 certified.

22 d. "Current fiscal year" is the fiscal year
23 ending during the calendar year in which a budget is
24 certified.

25 e. "Net new valuation taxes" means the amount of
26 property tax dollars equal to the current fiscal year's
27 levy rate in the city for the general fund multiplied
28 by the increase from the current fiscal year to the
29 budget year in taxable valuation due to the following:

30 (1) Net new construction, including all incremental
31 valuation that is released in any one year from a
32 division of revenue under section 260E.4 or an urban
33 renewal area for which taxes were being divided under
34 section 403.19, regardless of whether the property
35 for the valuation being released remains subject
36 to the division of revenue under section 260E.4 or
37 remains part of the urban renewal area that is subject
38 to a division of revenue under section 403.19. The
39 amount of property tax dollars attributable to such
40 incremental valuation being released from a division
41 of revenue shall be subtracted from the maximum amount
42 of property tax dollars which may be certified for
43 the next following fiscal year if such incremental
44 valuation is not released for the next following fiscal
45 year.

46 (2) Additions or improvements to existing
47 structures.

48 (3) Remodeling of existing structures for which a
49 building permit is required.

50 (4) Net boundary adjustment.

1 (5) A municipality no longer dividing tax revenues
2 in an urban renewal area as provided in section 403.19
3 or a community college no longer dividing revenues as
4 provided in section 260E.4.

5 (6) That portion of taxable property located in an
6 urban revitalization area on which an exemption was
7 allowed and such exemption has expired.

8 *f. "Unfunded federal and state mandate cost growth"*
9 means an amount of increased expenditures for a city
10 from the previous fiscal year resulting from any of the
11 following:

12 (1) A federal statutory requirement or
13 appropriation that requires the city to establish,
14 expand, or modify its activities in a manner which
15 necessitates additional annual expenditures and for
16 which insufficient funding is provided to the city to
17 satisfy such requirements.

18 (2) A state mandate as defined in section 25B.3,
19 and for which insufficient funding is provided to the
20 city to satisfy the requirements of the state mandate.

21 3. *a.* For the fiscal year beginning July 1, 2013,
22 and subsequent fiscal years, the maximum amount of
23 property tax dollars which may be certified for levy
24 by a city for the general fund shall be the maximum
25 property tax dollars calculated under paragraph "*b*".

26 *b.* The maximum property tax dollars that may be
27 levied for deposit in the general fund is an amount
28 equal to the sum of the following:

29 (1) The annual growth factor times the current
30 fiscal year's maximum property tax dollars for the
31 general fund.

32 (2) The amount of net new valuation taxes in the
33 city.

34 (3) The unfunded federal and state mandate cost
35 growth.

36 4. For purposes of calculating maximum property tax
37 dollars for the city general fund for the fiscal year
38 beginning July 1, 2013, only, the term "*current fiscal*
39 *year's maximum property tax dollars*" shall mean the
40 total amount of property tax dollars certified by the
41 city for the city's general fund for the fiscal year
42 beginning July 1, 2012.

43 5. Property taxes certified for deposit in the
44 debt service fund in section 384.4, trust and agency
45 funds in section 384.6, capital improvements reserve
46 fund in section 384.7, the emergency fund in section
47 384.8, any capital projects fund established by the
48 city for deposit of bond, loan, or note proceeds,
49 any temporary increase approved pursuant to section
50 384.12A, property taxes collected from a voted levy

1 in section 384.12, and property taxes levied under
2 section 384.12, subsection 18, are not counted against
3 the maximum amount of property tax dollars that may be
4 certified for a fiscal year under subsection 3.

5 6. Notwithstanding the maximum amount of taxes
6 a city may certify for levy, the tax levied by a
7 city on tracts of land and improvements on the
8 tracts of land used and assessed for agricultural or
9 horticultural purposes shall not exceed three dollars
10 and three-eighths cents per thousand dollars of
11 assessed value in any year. Improvements located on
12 such tracts of land and not used for agricultural or
13 horticultural purposes and all residential dwellings
14 are subject to the same rate of tax levied by the city
15 on all other taxable property within the city.

16 7. The department of management, in consultation
17 with the city finance committee, shall adopt rules
18 to administer this section. The department shall
19 prescribe forms to be used by cities when making
20 calculations required by this section.

21 **Sec. 169. NEW SECTION. 384.1B Ending fund balance.**

22 1. a. Budgeted general fund ending fund balances
23 for a budget year in excess of twenty-five percent of
24 budgeted expenditures from the general fund for that
25 budget year shall be explicitly committed or assigned
26 for a specific purpose.

27 b. A city is encouraged, but not required, to
28 reduce budgeted, uncommitted, or unassigned ending
29 fund balances for the budget year to an amount equal
30 to approximately twenty-five percent of budgeted
31 expenditures and transfers from the general fund for
32 that budget year unless a decision is certified by the
33 state appeal board ordering a reduction in the ending
34 fund balance of the fund.

35 c. In a protest to the city budget under section
36 384.19, the city shall have the burden of proving that
37 the budgeted balances in excess of twenty-five percent
38 are reasonably likely to be appropriated for the
39 explicitly committed or assigned specific purpose. The
40 excess budgeted balance for the specific purpose shall
41 be considered an increase in an item in the budget for
42 purposes of section 24.28.

43 2. a. For a city that has, as of June 30,
44 2012, reduced its ending fund balance to less than
45 twenty-five percent of actual expenditures, additional
46 property taxes may be computed and levied as provided
47 in this subsection. The additional property tax levy
48 amount is an amount not to exceed the difference
49 between twenty-five percent of actual expenditures for
50 city government purposes for the fiscal year beginning

1 July 1, 2011, minus the ending fund balance for that
2 year.

3 b. All or a portion of additional property tax
4 dollars may be levied for the purpose of increasing
5 cash reserves for city government purposes in the
6 budget year. The additional property tax dollars
7 authorized under this subsection but not levied may be
8 carried forward as unused ending fund balance taxing
9 authority until and for the fiscal year beginning
10 July 1, 2018. The amount carried forward shall not
11 exceed twenty-five percent of the maximum amount of
12 property tax dollars available in the current fiscal
13 year. Additionally, property taxes that are levied
14 as unused ending fund balance taxing authority under
15 this subsection may be the subject of a protest under
16 section 384.19, and the amount will be considered an
17 increase in an item in the budget for purposes of
18 section 24.28. The amount of additional property tax
19 dollars levied under this subsection shall not be
20 included in the computation of the maximum amount of
21 property tax dollars which may be certified and levied
22 under section 384.1.

23 Sec. 170. Section 384.12, unnumbered paragraph
24 1, Code 2011, is amended by striking the unnumbered
25 paragraph and inserting in lieu thereof the following:

26 A city may certify taxes for deposit in the general
27 fund, subject to the limit provided in section 384.1
28 if applicable, which are in addition to any other
29 moneys the city may wish to spend for such purposes,
30 as follows:

31 Sec. 171. Section 384.12, subsection 20, Code 2011,
32 is amended by striking the subsection.

33 Sec. 172. **NEW SECTION. 384.12A Authority to levy**
34 **beyond maximum property tax dollars.**

35 1. The city council may certify additions to the
36 maximum amount of property tax dollars to be levied
37 for a budget year if the city conducts a second public
38 hearing prior to certification of the budget to the
39 county auditor, in addition to the hearing held as
40 required under section 384.16. The second public
41 hearing shall be conducted in the same manner as
42 the public hearing on the budget required in section
43 384.16.

44 2. The amount of additional property tax dollars
45 certified under this section shall not be included in
46 the computation of the maximum amount of property tax
47 dollars which may be certified and levied under section
48 384.1 for future budget years.

49 Sec. 173. Section 384.16, subsection 1, paragraph
50 b, Code 2011, is amended to read as follows:

1 **b.** A budget must show comparisons between the
2 estimated expenditures in each program in the following
3 year, the latest estimated expenditures in each program
4 in the current year, and the actual expenditures in
5 each program from the annual report as provided in
6 section 384.22, or as corrected by a subsequent audit
7 report. Wherever practicable, as provided in rules
8 of the committee, a budget must show comparisons
9 between the levels of service provided by each program
10 as estimated for the following year, and actual
11 levels of service provided by each program during
12 the two preceding years. For each city that has
13 established an urban renewal area, the budget shall
14 include estimated and actual tax increment financing
15 revenues and all estimated and actual expenditures of
16 the revenues, proceeds from debt and all estimated
17 and actual expenditures of the debt proceeds, and
18 identification of any entity receiving a direct payment
19 of taxes funded by tax increment financing revenues
20 and shall include the total amount of loans, advances,
21 indebtedness, or bonds outstanding at the close of
22 the most recently ended fiscal year, which qualify
23 for payment from the special fund created in section
24 403.19, including interest negotiated on such loans,
25 advances, indebtedness, or bonds. The amount of loans,
26 advances, indebtedness, or bonds shall be listed in the
27 aggregate for each city reporting. ~~The city finance
28 committee, in consultation with the department of
29 management and the legislative services agency, shall
30 determine reporting criteria and shall prepare a form
31 for reports filed with the department pursuant to this
32 section. The department shall make the information
33 available by electronic means.~~

34 Sec. 174. Section 384.19, Code 2011, is amended by
35 adding the following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. For purposes of a tax
37 protest filed under this section, "item" means a
38 budgeted expenditure, appropriation, or cash reserve
39 from a fund for a service area, program, program
40 element, or purpose.

41 Sec. 175. Section 386.8, Code 2011, is amended to
42 read as follows:

43 **386.8 Operation tax.**

44 A city may establish a self-supported improvement
45 district operation fund, and may certify taxes not
46 to exceed the rate limitation as established in the
47 ordinance creating the district, or any amendment
48 thereto, each year to be levied for the fund against
49 all of the property in the district, for the purpose
50 of paying the administrative expenses of the district,

1 which may include but are not limited to administrative
2 personnel salaries, a separate administrative office,
3 planning costs including consultation fees, engineering
4 fees, architectural fees, and legal fees and all other
5 expenses reasonably associated with the administration
6 of the district and the fulfilling of the purposes of
7 the district. The taxes levied for this fund may also
8 be used for the purpose of paying maintenance expenses
9 of improvements or self-liquidating improvements for a
10 specified length of time with one or more options to
11 renew if such is clearly stated in the petition which
12 requests the council to authorize construction of the
13 improvement or self-liquidating improvement, whether
14 or not such petition is combined with the petition
15 requesting creation of a district. Parcels of property
16 which are assessed as residential property for property
17 tax purposes are exempt from the tax levied under this
18 section except residential properties within a duly
19 designated historic district. A tax levied under
20 this section is not subject to the levy limitation in
21 section 384.1.

22 Sec. 176. Section 386.9, Code 2011, is amended to
23 read as follows:

24 **386.9 Capital improvement tax.**

25 A city may establish a capital improvement fund
26 for a district and may certify taxes, not to exceed
27 the rate established by the ordinance creating the
28 district, or any subsequent amendment thereto,
29 each year to be levied for the fund against all of
30 the property in the district, for the purpose of
31 accumulating moneys for the financing or payment
32 of a part or all of the costs of any improvement or
33 self-liquidating improvement. However, parcels of
34 property which are assessed as residential property
35 for property tax purposes are exempt from the tax
36 levied under this section except residential properties
37 within a duly designated historic district. A tax
38 levied under this section is not subject to the levy
39 limitations in section 384.1 or 384.7.

40 Sec. 177. REPEAL. Sections 331.425 and 331.426,
41 Code 2011, are repealed.

42 Sec. 178. EFFECTIVE DATE AND APPLICABILITY. This
43 division of this Act takes effect July 1, 2012, and
44 applies to fiscal years beginning on or after July 1,
45 2013.

46 **DIVISION XX**

47 **RESIDENTIAL PROPERTY ASSESSMENT LIMITATION**

48 Sec. 179. Section 441.21, subsection 4, Code 2011,
49 is amended to read as follows:

50 4. For valuations established as of January

1 1, 1979, the percentage of actual value at which
2 agricultural and residential property shall be assessed
3 shall be the quotient of the dividend and divisor as
4 defined in this section. The dividend for each class
5 of property shall be the dividend as determined for
6 each class of property for valuations established as
7 of January 1, 1978, adjusted by the product obtained
8 by multiplying the percentage determined for that year
9 by the amount of any additions or deletions to actual
10 value, excluding those resulting from the revaluation
11 of existing properties, as reported by the assessors
12 on the abstracts of assessment for 1978, plus six
13 percent of the amount so determined. However, if the
14 difference between the dividend so determined for
15 either class of property and the dividend for that
16 class of property for valuations established as of
17 January 1, 1978, adjusted by the product obtained by
18 multiplying the percentage determined for that year
19 by the amount of any additions or deletions to actual
20 value, excluding those resulting from the revaluation
21 of existing properties, as reported by the assessors
22 on the abstracts of assessment for 1978, is less than
23 six percent, the 1979 dividend for the other class of
24 property shall be the dividend as determined for that
25 class of property for valuations established as of
26 January 1, 1978, adjusted by the product obtained by
27 multiplying the percentage determined for that year
28 by the amount of any additions or deletions to actual
29 value, excluding those resulting from the revaluation
30 of existing properties, as reported by the assessors on
31 the abstracts of assessment for 1978, plus a percentage
32 of the amount so determined which is equal to the
33 percentage by which the dividend as determined for the
34 other class of property for valuations established as
35 of January 1, 1978, adjusted by the product obtained
36 by multiplying the percentage determined for that year
37 by the amount of any additions or deletions to actual
38 value, excluding those resulting from the revaluation
39 of existing properties, as reported by the assessors
40 on the abstracts of assessment for 1978, is increased
41 in arriving at the 1979 dividend for the other class
42 of property. The divisor for each class of property
43 shall be the total actual value of all such property
44 in the state in the preceding year, as reported by the
45 assessors on the abstracts of assessment submitted
46 for 1978, plus the amount of value added to said
47 total actual value by the revaluation of existing
48 properties in 1979 as equalized by the director of
49 revenue pursuant to section 441.49. The director shall
50 utilize information reported on abstracts of assessment

1 submitted pursuant to section 441.45 in determining
2 such percentage. For valuations established as
3 of January 1, 1980, and each year thereafter, the
4 percentage of actual value as equalized by the director
5 of revenue as provided in section 441.49 at which
6 agricultural and residential property shall be assessed
7 shall be calculated in accordance with the methods
8 provided herein including the limitation of increases
9 in agricultural and residential assessed values to the
10 percentage increase of the other class of property if
11 the other class increases less than the allowable limit
12 adjusted to include the applicable and current values
13 as equalized by the director of revenue, except that
14 any references to six percent in this subsection shall
15 be four percent. For valuations established as of
16 January 1, 2012, and each assessment year thereafter,
17 the percentage of actual value as equalized by the
18 director of revenue as provided in section 441.49 at
19 which residential property shall be assessed shall be
20 calculated in accordance with the methods provided
21 herein including the limitation of increases in
22 agricultural and residential assessed values to the
23 percentage increase of the other class of property if
24 the other class increases less than the allowable limit
25 adjusted to include the applicable and current values
26 as equalized by the director of revenue, except that
27 in no assessment year shall the percentage of actual
28 value at which residential property is assessed be less
29 than fifty percent.

30 DIVISION XXI

31 CONDITIONAL EFFECTIVE DATE AND RETROACTIVE
32 APPLICABILITY

33 Sec. 180. EFFECTIVE DATE AND RETROACTIVE
34 APPLICABILITY. Unless otherwise provided, this Act,
35 if approved by the governor on or after July 1, 2011,
36 takes effect upon enactment and applies retroactively
37 to July 1, 2011.>

38 2. By renumbering as necessary.

ROBERT E. DVORSKY